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A HISTORY

OF THE

PEOPLE OF THE UNITED STATES,

FROM THE REVOLUTION TO THE CIVIL WAR.

BY

JOHN BACH McMASTER,

UNIVERSITY OF PENNSYLVANIA.

IN SEVEN VOLUMES

VOLUME VI.

1830-1842.

NEW YORK AND LONDON

D. APPLETON AND COMPANY

1914

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To the Memory of
my Mother.

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HISTORY

OF THE

PEOPLE OF THE UNITED STATES.

CHAPTER LIV.

OUR FEDERAL UNION.

The time had now come when Jackson must write the first of his annual messages to Congress. With the people of South Carolina in revolt against the tariff, with the Georgians clamoring for the removal of the Indians, with the West insisting on a more liberal policy in the disposal of the public lands, with Maine and Massachusetts alarmed at the prospect of losing a large piece of territory, with the anti-slavery men excited over the attempts to buy more slave soil from Mexico, and people everywhere indignant at the removals from office for partizan reasons, the assembling of Congress and the views of the President on the state of the country, it may well be believed, were waited with more than usual interest.

None of these issues, however, gave the President much concern. The one question which troubled him was the re-charter of the Bank of the United States, a question not then before the people, and one on which they expected neither information nor remark. It is indeed true that the Bank, from the day its doors were opened for business, had been an object of bitter hatred by a large part of the people. Political leaders had denounced its charter as unconstitutional. The press had described it as a hydra-headed monster, as a grinding monopoly which oppressed the state banks, robbed the people, made money dear, drew specie from the

West and caused the hard times of 1819. State after State had attempted to drive the branches without its jurisdiction, or to prevent their establishment. The constitution of Indiana, framed in 1816, forbade a bank not chartered by the legislature to do business in the State. The constitution of Illinois, made in 1818, contained a prohibition of a like sort. Maryland and Georgia,* Tennessee † and North Carolina,‡ Kentucky # and Ohio || had each levied a heavy tax on the branches, and Virginia, South Carolina and Pennsylvania had seriously considered the expediency of doing so. When the attempt failed in Pennsylvania the legislature asked for an amendment to the Constitution forbidding Congress to charter any bank to do business outside the District of Columbia,△ and Tennessee, Ohio, Indiana and Illinois approved.◊

The Bank, meantime, had loaned large sums of money to the farmers and settlers in the new West. The hard times of 1819 forced liquidation, and in a few months fifty thousand acres of farming land in Kentucky and Ohio, and a part of Cincinnati were in possession of the Bank. The rapid appreciation of this property a little later saved the institution from financial ruin. The decisions of the Supreme Court in the cases of McCullough vs. Maryland and Osborn vs. The Bank of the United States averted the attacks of the States. But the hatred of thousands of western borrowers and scores of state banks was never abated.

The rush of population into the West; the struggle there for cheap money which could only be had through the agency of state banks; the restraining influences of the Bank of the United States; the growth of State right doctrines in South Carolina and Georgia; the breaking up of the old Repub-

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* Lamar, Laws of Georgia, 1810–19, pp. 889–891.

† Laws of Tennessee, Laws of 1817, Chapter 132, Sec. 2.

‡ Niles's Register, Vol. 25, p. 367.

Acts of Kentucky, January 28, 1819, Chapter 343.

|| Statutes of Ohio, February 8, 1819, Chapter 459.

△ Journal of the H. R. of Pennsylvania, 1818–19, pp. 200, 341, 691, 757, 765, 767. Annals of Congress, January 5, 1820.

◊ Ames, Amendments to the Constitution, p. 256 and note.

lican party, and the rise of the new democracy served but to intensify this feeling, spread it more widely than ever over the South and West, and furnish the occasion for a new attack in 1827. In that year the governor and legislature of Alabama protested against the establishment of a branch, and Barbour of Virginia moved a resolution in the House of Representatives providing for the sale of the seven millions of bank stock owned by the government.

The resolution was overwhelmingly defeated, but thenceforth for some years no session of Congress ever closed without an attack of some sort on the Bank. With the election of Jackson in 1828 these assaults became serious. While the campaign was still going on charges were made that the branches at New Orleans, Charleston, Lexington and Portsmouth had spent money and used their influence to defeat Jackson. Had Adams been elected they would soon have been forgotten. But scarcely had the election been settled in favor of Jackson when the Postmaster-General, McLean, wrote to Nicholas Biddle, president of the Bank, complained of the action of the Kentucky branches, suggested that the directors should be drawn from both political parties, and sent a list of Jackson men in Kentucky from which suitable directors might be chosen. The officers of the accused branches denied the charges and showed that the men nominated were unfit to be directors and likely to turn the branches into Jackson machines.* Mr. Biddle assured the Postmaster-General that the Bank was not in politics, declared that such a plan as he suggested would force on the Bank incompetent persons,† and with this correspondence the attack for the time being ended.

But Jackson had not been long in the executive chair when the attack was renewed in a series of complaints against the conduct of Jeremiah Mason, president of the branch at Portsmouth, New Hampshire. The complainants were Isaac Hill, second controller of the currency; Amos Ken-

* Senate Document No. 17, 23d Congress, 2d Session, pp. 298–99, 301, 302, 304, 305.

† Biddle to McLean, January 11, 1829. Biddle Manuscripts. R. C. H. Catterall, The Second Bank of the United States, pp. 171–172.

dall, fourth auditor of the Treasury; J. D. Ingham, Secretary of the Treasury, and Levi Woodbury, a Senator from New Hampshire, who, in June, 1829, began the attack in a letter to Ingham. The grievances of the Senator were that Mason was a "particular friend of Webster," that he was wanting in "conciliatory manners and intimate acquaintance with our business men," and had acted toward them with "partiality and harshness." The Secretary sent Woodbury's letter to Biddle enclosed in one of his own in which he hinted that the hostility of the Bank toward the administration was the real cause of the trouble. Biddle in his answer denied the charges of the Senator, assured the Secretary that it was the settled policy of the Bank to keep aloof from all political contests, to be simply and absolutely a bank, and never, for a moment, use its power for any local or party purposes; and declared that he did not believe there were "in the whole country any other five hundred persons of equal intelligence, so abstracted from public affairs, as the five hundred who are employed in administering the business of the Bank and its branches."

Secretary Ingham replied that it was morally impossible that the character of all the acts of the directors of the branches, much less their motives, could be known to the parent board; and that Biddle's statement that no loan was ever granted to, or withheld from, any individual on account of political partiality or hostility, was rather an expression of his own feelings than proof of his statement. Ere Biddle had time to reply, a letter came from Mr. Hill, enclosing a petition signed by sixty members of the New Hampshire legislature, asking for a change in the board of directors of the Portsmouth branch and naming ten "suitable persons," to form a new board, a request which the Controller heartily indorsed. The friends of General Jackson in New Hampshire said he, by way of explanation, have had too much reason to complain of the management of the branch at Portsmouth. The board, he believed, had invariably and exclusively consisted of individuals opposed to the general government. The petitioners had, therefore, named ten persons for directors, six of whom were friends of the

last, and four of the present administration. Of this plain statement that the Bank had not been, and could not be, a non-political institution, that its board of directors must therefore be bi-partizan, and that four Jackson men to six Adams men was a good ratio for the present, Biddle took notice in his answer. The board of directors, said he, think it evident that the Secretary believes that "the relations between the government and the Bank confer some supervision of the choice of officers of the Bank"; that "there is some action of the government not precisely explained, but of which he is the agent," and "that it is his right and duty to suggest the views of the administration as to the political opinions and conduct of the officers of the Bank." From this view the directors dissent. The board acknowledged no responsibility whatever to the Secretary for the political opinions of its officers, nor to the executive, nor did it believe that freedom from political bias was impossible. The Secretary now reminded Biddle that the administration could act on the Bank, and could act in either or both of two ways. The President could appoint five directors. The Secretary could remove the government deposits, and the use of the power of the Bank for political purposes, the Secretary said, would be a good reason for making such a removal.

It was now quite clear to Biddle that he had gone too far, and, fearing that Jackson might attack the Bank in the message, he wrote to Ingham withdrawing the views which the directors "thought disclosed in your previous correspondence" and asked him to "have the goodness to consider the remarks bearing on the presumed assertion of those views as no longer applicable."* He next wrote to Lewis concerning the charges against the branches in Kentucky; sent a letter from a Jackson director of the Lexington branch declaring they were false; † despatched an agent to Washington to see the President and assure him that if any of the branches had meddled in politics the directors of the parent Bank were ignorant of the fact; bade the cashier and a director at New

* Biddle to Ingham, October, 1829.

† Biddle to Lewis, October 14, 1829.

Orleans go on a like errand and disprove the charges against that branch; asked Lewis to persuade the President to speak well of the services rendered by the Bank in the payment of the national debt in July; proposed a plan for extinguishing the debt on the eighth of January, 1833; appointed Jackson men directors of the branches at Baltimore, New York and New Orleans, as he had already done for Utica and Portsmouth, and, about the middle of November, went in person to Washington and saw the President. From the notes of the conversation which then took place it appears that Jackson had as yet no bitter feeling toward Biddle; that he was grateful for the services of the Bank in the payment of the July instalment of the public debt; that he promised to say so in his message, and that he denied the power of Congress to charter a bank to do business out of the District of Columbia. Yet the result of the visit was quite satisfactory to Biddle, who came away well pleased. Late in November he was, indeed, warned that the President would in the message declare himself against a renewal of the charter; * but he would not believe it, and answered that the President had never intimated such a purpose, and that he looked to the message with expectations of the most satisfactory kind.

Never was man more mistaken. At the very time these comfortable assurances were given to Biddle by Lewis, the President had made up his mind that the Bank was unconstitutional; that it had failed to provide the country with a sound currency; that it ought to be replaced, if replaced at all, by a very different sort of an institution, and that it was his duty to lay the matter before Congress at the next session. His own ideas of a bank were that it should be a national bank of deposit, with power in time of war to issue bills bearing a moderate rate of interest and payable on the return of peace. Such bills, guaranteed by the national faith and based on the revenues, would, he believed, be sought after by capitalists and would do away with loans in time of war. "This," said he, "is all the kind of a bank that a Republic should have." If the bank must do a discount business

* Alexander Hamilton to Biddle, November 27, 1829.

he would "frame its charter upon the checks of our government, attach it to and make it a part of the revenues, and expose its situation as part thereof annually to the nation." The people, instead of a few moneyed capitalists, would thus have the profits, and the constitutional objections to the present bank would be avoided.*

But Jackson in October of 1829 was still undecided whether in the annual message to promise a future communication setting forth his ideas of a bank or say nothing at all on the subject, and in this state of doubt turned for advice to Felix Grundy, a Senator from Tennessee, and to the Secretary of the Treasury and the Attorney-General. Grundy in reply sent a plan for a bank.†

The Attorney-General evaded the question of constitutionality, but gave it as his opinion that as the charter did not expire till 1836, and as he could see nothing which called for the immediate action of the executive, it was not expedient at that time to make the proposed communication to Congress.‡ The Secretary of the Treasury declared that the Bank charter was not constitutional; but advised him inasmuch as a bank existed as the result of an exercise of unconstitutional power to "let it rest on that footing on which anterior decisions have placed it, till the executive shall be called on to do some act which will necessarily raise this question," and gave it as his opinion that it was not expedient to promise a future message on the Bank, assured him that the fiscal affairs of the government could not be administered in time of war or during peace without a national

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* Jackson MSS in the Library of Congress. The letter is in Jackson's handwriting, is dated "Hermitage, July 17, 1830," is marked "Private," but is not addressed to anybody.

† Jackson MSS. Felix Grundy to Jackson, Nashville, October 22, 1829. Capital to be $40,000,000. Chief Bank at Philadelphia, and directors elected by Congress. One branch in each State capital; directors elected by the Senators and representatives of the State; and $20,000,000 of the capital divided among these branches on the basis of representation. Profits to be used for internal improvements authorized by Congress. The other $20,000,000 of capital should be allotted to branches to be established in the large cities; the parent bank to appoint directors.

‡ Jackson MSS. Answers of the Attorney-General Berrien, November 27, 1829.

institution of some sort, and warned him that on his decision might depend the future safety of the country.*

To this advice the President gave no heed. He was fully determined to attack the Bank, and for this attack Amos Kendall now attempted to prepare the public by a letter to the Editor of the New York Courier and Enquirer. The editor was assured that the President would take ground against the Bank, and was given a series of questions which were to be inserted in the newspapers as an editorial.† Can the government, it was asked, manage its concerns without the aid of a bank now that there are no loans and very little debt to pay? Will the States through their representatives forbid the rechartering of the United States Bank? Will sundry banks scattered over the country satisfy the government of their ability to safely keep the deposits and transact the banking business of the United States? Will the legislatures of the several states adopt resolutions on the subject and instruct their Senators how to vote? Will a proposition be made to authorize the government to issue exchequer bills to the amount of the annual revenue, redeemable at pleasure, to form a circulating medium equivalent to the notes issued by the United States Bank?

The queries were little noticed at the time; but became significant when Congress eight days later listened to the reading of the President's message. After thanking Providence that we were at peace with all mankind, and that our country presented such cheering evidence of general welfare and steady progress, the President passed in review our foreign relations. He touched on the spoliation claims against France, Spain, Denmark and Brazil; on the Maine boundary; on the troubles in the South American Republics; on the invasion of Mexico and the recall of Mr. Poinsett; on the failure of Mexico to ratify a treaty negotiated in her own capitol and under her own eyes, and then passed to the consideration of affairs of a purely domestic kind. Of these, in Jackson's opinion, none required more prompt attention

* Answer of Secretary Ingham, November 26 and 27, 1829.

† Memoirs of James Gordon Bennett, p. 111. New York Courier and Enquirer, November 30, 1829. National Intelligencer, December 3, 1829.

than our manner of electing the President and Vice-President. To the people belonged the right of choosing the Chief Magistrate. It was never intended that their choice should be defeated either by the electoral colleges or by the House of Representatives. He was, therefore, in favor of an amendment to the Constitution doing away with all intermediate agency, leaving the choice directly with the people, and restricting the President to one term of four or six years. Nay, he would gladly see a general extension of the law which limited certain appointments to a term of four years. In a country such as ours, a country where offices exist solely for the benefit of the people, no one man, he said, has any more intrinsic right to office than another. Offices were not made to give support to particular men at the public cost. No individual wrong, therefore, was done by removal. When a bad officer was put in the place of a good one the people had a right to complain. But he who was removed had no grievance, for he still had the same means of making a living as had the millions of his fellow countrymen who never held and never sought for places under government.

In deliberating on the tariff, the President hoped that all local feelings and prejudices would be merged in the patriotic determination to promote the interests of the whole country; and that the North and the South, the East and the West would join in lessening any burden of which either complained.

Jackson next called attention to the rapid payment of the national debt; made kindly mention of the services rendered by the Bank in July; pointed out that after the extinction of the debt a surplus would then roll up in the Treasury, and advised an amendment to the Constitution providing for a distribution of surplus revenue among the States on the basis of representation. He dwelt at length on the Indian question, urged that a great tract of land beyond the Mississippi should be set apart for the red man; recommended that emigration to it should be voluntary on the part of the Indians, and insisted that they should be made to understand that, if they continued to live within the bounda-

ries of a State, they must be subject to its laws. He advocated the extension of the United States Circuit Courts to the nine states wherein they did not exist, and closed with some remarks on the Bank of the United States. The charter, it was true, did not expire till 1836. But the constitutionality and expediency of the law creating the Bank were, he said, well questioned by a large portion of the people, and it must be admitted that it had failed to establish a uniform and sound currency. As the stockholders would probably apply for a renewal of their privileges it was well to consider whether, if such an institution were necessary, a national bank, founded on the credit of the government and its revenue, might not be so devised as to shun constitutional difficulties and give the country all the benefits ever expected from that about to expire.

As the message was carried post haste from city to city, the friends of the Bank were surprised, indignant and alarmed. "What," said one, "do you think of the assertion that the Bank has not produced a uniform and solid currency? Did you believe that any man who valued his character for common intelligence and veracity would have hazarded such a declaration in the face of this community and in contradistinction of the manifest facts."* We have seen, said an editor, dark passages in certain newspapers which led us to think that the administration was not friendly to the Bank, but little did we think it would form one of the topics of the first message. We say explicitly, another remarked, that General Jackson had no business to attack the National Bank. It is not now a subject for legislation and will not come before the present Congress. So long as the charter exists the Bank is entitled to full and fair protection, and the public authorities must not touch it. No man has a right to spread false news to depress stocks; yet this is what the President has done, for the assault on the Bank has proved a positive injury.† At New York the price of Bank stock fell off nearly six dollars a share at once, and continued to decline till the shrinkage amounted to ten dollars a

* John Sergeant to Biddle, December 11, 1829.

† United States Gazette, January 1, 1830.

share. When Biddle read the message he was amazed. Yet he did not consider it a cabinet or party measure. He was sure it came from the President alone and was the expression of his old notions of constitutionality.* And in this belief he was right. Had Jackson followed the advice of his cabinet and his party leaders he would have waited till, as the Attorney-General said, he was called on to do some act which would necessarily raise the question, or he would, as Hamilton advised, have stricken the paragraph from the message.† But Jackson could not wait. The Bank, as organized, was in his mind dangerous to the liberties of the people, and his plain duty was to say so to Congress. He knew, he said, that sordid men and all who prized self-interest more than the perpetuity of liberty and the blessings of a free government would disapprove of his remarks. But he could not on that account shrink from the performance of a duty so necessary to the safety and purity of our free institutions.‡

The important parts of the message having been referred to various committees of the Senate and House, the work of the session began. For three weeks and more the chief business of the Senate consisted in receiving reports of committees, referring petitions, and disposing of motions for inquiry. Among the latter was one offered late in December, 1829, by Senator Foot of Connecticut. He moved that the Committee on Public Lands be instructed to inquire into the expediency of doing two things; abolishing the office of Surveyor-General, and limiting the sale of the public lands to such as had already been offered or were subject to entry at the minimum price. Senator Benton at once asked what object the mover had in view, and

* Biddle to George Hoffman, December 15, 1829.

† J. A. Hamilton was requested by Van Buren and Lewis to come to Washington and rewrite the paragraph about the Bank which, Hamilton says, was written "at great length in a loose, newspaper slashing style." He then tried to persuade Jackson to say nothing about recharter, but finding him firm, wrote the paragraph as it appears in the message. Reminiscences of J. A. Hamilton; or, Men and Events at Home and Abroad during Three-quarters of a Century. New York, 1869, pp. 149, 150.

‡ Jackson to J. A. Hamilton, December 19, 1829. Ibid., p. 151, 152.

when answered declared he was against a reference. It was not, he said, usual to oppose the reference of a resolution of inquiry; but this was a resolution to inquire into the expediency of doing a great injury to the new States of the West, and ought not to be allowed.

Benton therefore moved to put the resolution on the calendar and make it the order of the day for some future date. After debate this was done and discussion was resumed early in January, 1830, when Benton again stood against a reference.

The resolution, he said, presented three distinct propositions. It proposed to stop the survey of the public lands; to limit the sales to the lands already in the market; and to do away with the office of the Surveyor-General. The results of these propositions, if carried into effect, would be to check emigration to the new States, to retard their settlement, and deliver up large portions of their territory to the dominion of wild beasts. He for one would never consent to this. He would as soon vote for inquiries into the expediency of setting fire to cities, devastating provinces, and submerging fruitful lands under the waves of the sea. He took his stand on a great moral principle that it is never right to inquire into the expediency of doing wrong.

But it was not enough to reject such a resolution. The sentiment in which it originated must be eradicated. The whole idea of checking emigration to the West must be shown to be erroneous. To shut the emigrant out of the West, to make the magnificent valley of the Mississippi a haunt for wild beasts and savage men, instead of the home of liberty and civilization, was an injury to the people of the East, to the people of the West, and to the oppressed of all states and nations. To force poor people in the East to work as journeymen in the factories, instead of letting them go to new countries, acquire land and become independent freeholders, was a horrid and cruel policy. The manufacturers wanted poor men to do their work for small wages. These poor people wished to go to the West, get land, have their own flocks and herds, orchards and gar-

dens, meadows and dairies, cribs and barns. How to hinder it, how to prevent them from wandering off in this manner was the present question. The late Secretary of the Treasury could find no better way than by the protection of domestic manufactures, a most complex scheme of injustice which taxed the South in order to injure the West and pauperize the poor of the North. That was bad enough, but it was lame, weak, and impotent compared with the scheme then on the table of the Senate, a scheme which proposed to break the magnet which was drawing the people of the East to the blooming regions of the West.

Such attempts to stop emigration to the valley of the Mississippi, Benton said, were not new; they were as old as the republic; and in proof of the statement he cited two examples. The first was the provision in the land ordinances of 1785, that each township must be sold out entire before any land could be offered in the next. This was a wicked and preposterous provision. But, most happily for the West, when the ordinance was put on its passage two Virginians leveled their blows against the provision and it was stricken out. The second was the famous attempt in 1786 to surrender the navigation of the Mississippi to the King of Spain for a period of twenty-five years as the price of a commercial treaty favorable to the East.

These, he said, were the two great and signal attempts to prevent the settlement of the West. But there were others. The refusal to vote money to defend the early settlers on the Cumberland and the Kentucky; refusals to appropriate funds with which to extinguish Indian titles; the reservation of iron ore lands and the withdrawal of a thousand square miles of territory from the market in Missouri, were all measures tending to check the growth of the West, and all came from the same geographical quarter.

The debate had now drifted from the subject of the motion to the land policy of the United States, and in the course of the next day Robert Young Hayne of South Carolina joined in and spoke on the past and future policy of the government in relation to the public lands.

Hayne was a native of the Colleton District in South Carolina, was born there in 1791, studied law, served for a while in the army during the second war with Great Britain, and was rewarded with a seat in the Assembly in 1814. There his parts and his oratory so distinguished him that in 1816 he was made Speaker, and later Attorney-General, and in 1822 was elected to the Senate of the United States.

His intention, Hayne now told the Senate, was not to speak on the fitness of ordering an inquiry; but to say a few words on another and much more important question,—the policy which ought to be pursued in relation to the public lands. He was sure of the great and growing importance of this question. More than half of the time of Congress for two or three years past had been taken up with propositions connected with the public lands: more than half its acts embraced provisions growing out of this fruitful source. No Senator could fail to see that the question was not to be evaded. It must be met, fairly and fearlessly met. A question that was pressed on Congress in so many ways; that intruded in so many shapes; that entered into almost every discussion of public policy, tinged the whole course of public legislation and touched the feelings and the interests of so large a part of the Union, could not be thrust aside or laid to sleep. We must meet and overcome it, said he, or it will overcome us.

Hayne then passed in review the land policy of England, France and Spain in colonial times, praised their liberality, denounced the land policy of the United States, drew a dismal picture of the way our government stripped the settler on the public lands of all his money, and then spent it not in the betterment of the West, but in the East, and charged Congress with entailing on the hardy frontiersman for years to come, poverty, lack of ready money, paper banks, relief laws, and all the evils, social and political, such a system was sure to produce.

As to what should be the future policy of the government in relation to the public lands there were, Hayne said, two opposite and irreconcilable opinions. On the one hand

it was contended that the lands ought to be reserved as a permanent fund for revenue and future distribution among the States. On the other hand it was insisted that the whole of the lands belonged to, and ought to be relinquished to, the States in which they were. Supposing that it was possible to reserve the lands for fifty or a hundred years to come as a great fund for permanent revenue, was it desirable to do so? If he had the power of a magician and could by a wave of his hand convert the lands into gold and silver for such a purpose he would not do it. Such an immense national treasury would be a fund for corruption. It would enable Congress and the executive to have a control over the States, over corporations, over individuals, utterly ruinous to the purity of our institutions and fatal to the sovereignty and independence of our States. He, for one, believed that the very life of our system is the independence of the States, and no evil is more to be shunned than the consolidation of the government. But there was another purpose to which it was supposed, Hayne said, the public lands could be applied, and this was to create and maintain in certain quarters of the Union, a population fit to toil in great manufacturing establishments. Advocates of the American System believed that the great hindrance to the progress of manufactures in this country was the lack of that low and degraded population which infested the cities and towns of Europe and having no other means of gaining a livelihood worked for the lowest wages. This obstacle it was now proposed to remove by so limiting the sale of public land as to prevent the driving off of population from the manufacturing States. That government should presume to regulate the industry of man was bad enough; that it should seek by arbitrary legislation artificially to adjust and balance the pursuits of society was monstrous. But what could be said of the attempt to make the people paupers, in order that rich owners of woolen mills and cotton factories might amass great wealth. From the bottom of his soul he abhorred and detested the idea that the powers of the government should ever be used for such a purpose.

On the following day Hayne was answered by Webster. The Massachusetts Senator was not in his seat when Benton attacked the East, and as no newspaper published speeches the day after they were delivered, what Benton said was unknown to Webster. But he was present while Hayne spoke, and took notes of what was said. He denied that the policy of the government toward the new States had been harsh or severe, that it had acted toward those who subdued the wilderness in the spirit of a stepmother; had been careless of their interests, or deaf to their requests, and scouted the fears of Hayne that the land might become a source of permanent revenue, corrupting the people and consolidating the government. "Consolidation!" said he, "that perpetual cry both of terror and delusion, consolidation! When gentlemen speak of the effects of a common fund belonging to all the States as having a tendency to consolidate the government, what do they mean? Do they mean, or can they mean anything more than that the union of the States will be strengthened by whatever furnishes inducements to the people of the States to hold together? This is the sense in which the framers of the Constitution used the word consolidation." He wished to see no new powers drawn to the general government, but he rejoiced in whatever tended to strengthen the bond that unites us and makes our Union perpetual. He knew that some persons in that part of the country from which the gentleman came habitually spoke of the Union in tones of disparagement, and declared that it was "time to calculate the value of the Union." The Union, by the disciples of this school, was considered as something to be preserved while it suited local and temporary interests to preserve it, and sundered whenever it should be found to thwart such purposes. He thought far differently of the Union. He believed, fully and sincerely believed, that the Union of the States is essential for the prosperity and safety of the States.

Webster then passed to that part of Hayne's speech which was "the main occasion" of his addressing the Senate, "The East! the obnoxious, the rebuked, the always reproached East!" The gentleman had accused the East of

seeking to restrain emigration to the West, and having that object in view, of maintaining a steady opposition to western measures and western interests. And the cause of this selfish and narrow policy the gentleman found in the tariff. "Sir," said he, "I rise to defend the East. I rise to repel both the charge itself and the cause assigned for it. I deny that the East has at any time shown an illiberal policy toward the West. I deny it in the general and I deny each and all its particulars. I deny the sum total and I deny the detail. . . . I deny that, in any part of her history, at any period of the government, or in relation to any leading subject, New England has manifested such hostility as is charged against her." Having delivered this point-blank and vigorous denial Webster went on to cite the many benefits the East had conferred on the West, claimed that it was to New England that the West owed her simple and excellent method of selling land in rectangular sections; that it was to a son of New England, Nathan Dane, that she owed the ordinance of 1787, that it was the votes of New England men that gave the West the Cumberland Road, the Portland Canal, and every measure of acknowledged utility; that if from the votes on any one of these measures there were stricken from the list of ayes the names of New England members it would be found that in every case the South would have voted down the West, and the measures would have failed. Webster ended by moving an indefinite postponement of Foot's resolution.

As the news of Webster's speech spread through Washington, his act became the one topic of conversation. That Webster, whose coolness and political sagacity were proverbial, should deliberately pass over Benton, and singling out Hayne make him the object of attack astounded members from the South and West. One who was present declares that the sensation produced was so great that on the following day when Hayne was expected to reply there was scarce a quorum in the House of Representatives. The Senate gallery was packed, the lobbies were crowded, and women invading the floor of the Senate occupied the seats of the Senators in such numbers that, it was jokingly said,

the Clerk's desk and the Vice-President's chair were the only spots they did not occupy.

Some routine business having been despatched a Senator rose and asked that consideration of the resolution be postponed till Monday, as Webster, who wished to hear the discussion, could not be present. Hayne objected. "I see the gentleman from Massachusetts in his seat," he said, "and presume he could make an arrangement which would enable him to be present. I will not deny that some things have fallen from the gentleman which rankle here (touching his breast) from which I would desire at once to relieve myself. The gentleman has discharged his fire in the face of the Senate. I hope he will now afford me the opportunity of returning the shot." As Hayne paused for a reply Webster rose and folding his arms said, "I am ready to receive it. Let the discussion proceed."

Benton now went on with his speech of the day before and was still speaking when Webster, having obtained the postponement of his business in court, returned to the Senate. Thereupon Benton yielded the floor to Hayne, who at once began his reply, and continued till candle-light, when the Senate adjourned till Monday, the 25th of January.

Men who were then in Washington declared that such was the excitement aroused by this debate that strangers, citizens, and members of Congress, were most impatient for Monday to come, and that when the day arrived the crowd struggling for admission to the Senate Chamber surpassed any ever gathered by the proceedings of that body.

In the presence of this imposing audience Hayne now continued his memorable reply, and spoke till the clock in the Chamber marked the hour of four. Webster then obtained the floor for Tuesday and the Senate rose. Next morning the Senate Chamber was, if possible, more crowded than ever, and the murmur which swept over the audience when Wester stood up having died away he turned toward Calhoun, who occupied the chair, and uttered the famous words which open the great reply to Hayne. Eye-witnesses assert that while Webster spoke the House of Representatives was nearly deserted; that business lagged; and that the

few members that remained addressed themselves to almost empty seats; that the Senate and the crowd hung upon his lips, and, when he had finished, proclaimed his speech the greatest ever made in Congress. His eulogy of South Carolina, his panegyric on Dexter, and his peroration were thought to be unrivaled. His reasoning was held to be conclusive, his argument unanswerable, his adversary demolished, and every position taken by Hayne to have been laid prostrate. All who heard Mr. Webster, it was said, left the Senate Chamber fully convinced that he is by far the greatest man in Congress. Go where you would, this was the universal verdict. You could not walk the streets; you could not enter the door of a mess room; you could not draw near the fireplace in a barroom of a hotel, but you heard this language from every mouth. Were it possible to put on paper the manner in which the speech was delivered, to infuse into the printed words, the curl of the lip, the flash of the eye, the flush of the cheek, the tone of sarcasm which enlivened, elucidated, enforced the language of the orator, then but not till then, could those who did not hear the speech be made sensible of the banquet they had lost.

Not a word that fell from the lips of either speaker appeared even in the Washington journals for two weeks. February came ere the people of Baltimore and Philadelphia read Hayne's first reply to Webster. A whole month passed before Webster's second reply to Hayne began to be published in the newspapers of Philadelphia, and March opened before it was read in Boston.* Then the demand for it became enormous. Near forty thousand copies in pamphlet form were printed at Washington, and as many more in other cities. Great bundles of copies were sent into South Carolina, where the speech of Hayne likewise scattered about in pamphlet form was held to be a full refutation.

While praise of this sort was seconded by the Northern press, none save those who heard the speeches knew what Hayne and Webster had said. A few journals of impor-

* "We do not know what has become of Mr. Hayne's and Mr. Webster's speeches." Philadelphia Gazette, February 15, 1830.

tance maintained at Washington correspondents whose daily or weekly letters were published as soon as received by mail, and it was from these sources that the people first heard of the Webster-Hayne debate. For full reports of the speeches, the press, the country over, depended on the Washington newspapers, and in this instance the reports were held back for careful revision.

To many who heard and to many who read the speeches of Benton, Hayne and Webster it seemed quite clear that Hayne had joined in the attack of the West on the East that he might unite the South and the West against the East; * that it was his purpose to show that just as the East was injuring the West by an attempt to check emigration in order to force men into her mills and factories, so she had injured the South by that policy of protection which made her mills and factories possible; that each section had a grievance against a common oppressor; that the one cause of these grievances was the tariff, and that both should unite to put the tariff down. But the motive of Webster in passing over Benton and answering Hayne was lost to view. Benton was ignored and Hayne selected because Webster neither heard nor read the speech of Benton, because Hayne had indorsed and reaffirmed the attack made by Benton on the East, and announced constitutional doctrines which Webster held to be dangerous to the safety and welfare of the Union. The land policy of the government interested him little. But the Constitution and the Union had deeply interested him from boyhood days. They had been the theme of his Fourth of July orations at Hanover in 1800, at Fryeburg in 1802, at Salisbury in 1805, at Concord in 1806; and of the Brentwood address which he wrote in 1812, and had inspired the famous words "our country, our

* "Perhaps he never succeeded better in defeating a project than he was now in defeating the scheme by which a bargain was contemplated to be effected by the South with the Western States, by which the farmer was to vote for giving he public lands to the West, provided that the West would join with the South to procure a repeal of the Tariff System." New England Palladium, January 26, 1830.

Others held that Benton's purpose was to prejudice the West so strongly against the East, that the two sections would not act in concert in the next election of President.

whole country and nothing but our country" which close the Bunker Hill oration of 1825. He had watched with anxiety the steady growth of State right doctrines in all parts of the Union and the frequent assertion of them by State after State. He was familiar with the resolutions of Ohio on the Constitution and the powers of the Federal judiciary; of Virginia and Kentucky on the jurisdiction of the Supreme Court; of Georgia in her controversy over the Indian lands; of Virginia, and North Carolina, and South Carolina, and Georgia, and Alabama, and Mississippi on the tariff of 1824, the Harrisburg Convention and the tariff of 1828; with Calhoun's Exposition of 1828; with the teachings of Dr. Thomas Cooper, and with all the acts of the nullification party in South Carolina since 1824.

Against these attacks the Constitution as yet had found no able defender. A few States, indeed, as Ohio, New Jersey, Pennsylvania, Rhode Island, Indiana, New York, had answered South Carolina and upheld the tariff. But no champion had yet come forth to do for the Constitution and the Union what Calhoun had done for nullification and secession. When, therefore, Hayne declared that "no evil was more to be deprecated than the consolidation of this government," Webster seized on the remark as affording a proper occasion to attack what he called the South Carolina doctrine and said much more on the subject than appears in the printed speech.

The reply of Hayne was a bitter personal attack on Webster, his opinions and public acts, a denunciation of the East in general and of Massachusetts in particular, a defense of the opposition of the South to the tariff and appropriations for internal improvements, of her institution of slavery, and of the State right doctrine which prevailed in South Carolina. That doctrine, said he, is the republican doctrine of '98; was first promulgated by the fathers of the faith; was maintained by Virginia and Kentucky in the worst of times; was the very pivot on which the revolution of that day turned; embraces the principle the triumph of which at that time saved the Constitution at its last gasp, and was not unwillingly adopted by New England statesmen

when they believed themselves to be victims of unconstitutional legislation. The doctrine that the Federal Government is the sole judge of the extent, as well as of the limitations of its powers, seemed to Hayne utterly subversive of the sovereignty and independence of the States. Whether Congress or the Supreme Court held this power made little difference. If the Federal Government in all or any of its departments may prescribe the limits of its authority, if the States are bound to submit to its authority, if they may not examine and decide for themselves when the barriers of the Constitution are overleaped, then the power of the government is in truth unlimited, the States reduced to petty corporations, and the people completely at the mercy of Congress.

In his second reply to Hayne Webster delivered that speech which won for him the popular title of defender and expounder of the Constitution. The five principles of the South Carolina doctrine were, he said, that whenever in the judgment of the State legislatures, the government transcends its constitutional limits, they may interfere and arrest the operation of its laws; that this right is constitutional and not revolutionary; that the States were authorized thus to interfere for the purpose of correcting the exercise of power by the general government; that neither the general government nor any branch of it is the final judge of the extent of its powers, but that the States may decide for themselves, and each State for itself, whether an act of the general government transcends its power; and that a State may, by its own sovereign authority, if it thinks it necessary, annul any act of the general government.

These principles arose from a misconception of the origin of the government and the source of its powers. Whose agent is it? Is it a creation of the State legislatures, or the creation of the people? If the government of the United States be the agent of the State governments, then they may control it and it becomes the servant of four and twenty masters of different wills and different purposes, and yet bound to obey all. If it be the agent of the people, then the people alone can control it, restrain it, modify or reform

it. This was the true view. "It is, sir," said Webster, "the people's constitution, the people's government, made for the people, made by the people, and answerable to the people." He held it to be "a popular government, erected by the people; those who administer it responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as a State government." "There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest an operation of their laws. The Constitution is not the creature of the State government. The very chief end, the main design, for which the whole Constitution was framed and adopted was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had quite enough of that kind of government under the Confederacy. The people have at no time, and in no way, directly or indirectly, authorized any State legislature to construe or interpret their high instrument of government; much less to interfere by their own power to arrest its course and operation." *

When Webster had finished speaking and the expressions of applause which announced the delight and approbation of his audience had subsided, Hayne answered with an argument to which Webster briefly replied. The argument of the gentleman from South Carolina, said he, consists of two propositions and one inference. The propositions were: that the Constitution is a compact between the States; and that a compact between two, with authority reserved to one to interpret its terms, would be a surrender to that one of all power whatever. The inference was that the general government does not possess the authority to construe its own powers. If the Constitution be a compact between the States,

* The speeches of both Webster and Hayne were carefully revised before they were allowed to appear in the newspapers. This accounts for the fact that we find Hayne answering parts of Webster's which he seems not to have delivered, as when Hayne says: "He tells us he hears of nothing but the tariff! the tariff! and if a word could be found to rhyme with it, he presumes it would be celebrated in verse and set to music."

and the States only are parties to it, how comes the general government itself to be a party? By the hypothesis of the gentleman from South Carolina, the general government is the result of the compact, the creature of the compact, not one of the parties to it. Yet the argument, as the gentleman has now stated it, makes the government one of its own creators. It makes it a party to the compact to which it owes its own existence. The gentleman considers the States as parties to that compact, but as soon as the compact is made he considers the general government, which is the offspring of that compact, not its offspring, but one of the parties, and so being a party, has not the power of judging of the terms of the compact. Pray, sir, in what school is such reasoning taught? While the gentleman is contending against construction, he is himself setting up the most loose and dangerous construction. The Constitution declares that the laws of Congress shall be the supreme law of the land. No construction is necessary here. It declares, also with equal plainness and precision, that the judicial power of the United States shall extend to every case arising under the laws of Congress. This needs no construction. Now, sir, how does the gentleman meet this? He can not argue the seal off the bond, nor the words out of the instrument. What answer does he give to them? None in the world, sir, except that the effect would be to place the State in a condition of inferiority, and from the nature of things, there being no superior, the parties must be their own judges.*

In the first reply to Hayne, Webster alluded to a speech delivered by Dr. Thomas Cooper in 1827, and to the passage "we shall ere long be forced to calculate the value of our Union." † Hayne in his reply had "rather apologized for it as among the pardonable ebullitions of patriotic feeling." Treatment of this sort now aroused Dr. Cooper and drew from him a long reply.

The contest we have with the North is not, said he, about the Union, but Their Union; not about the Constitution of

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* I have condensed Webster's answer, but used his own words.

† History of the People of the United States, Vol. V, pp. 248–49.

our revolutionary patriots, but about the Constitution of Messrs. Adams and Clay. Give us the federal compact of independent sovereign States, with an honest observance of the limitations of power contained in the Constitution, give it to us as it was construed and executed under Mr. Jefferson's administration, and not a whisper of disunion will be heard in South Carolina. On the other hand, force upon us the yoke provided by Messrs. Adams and Clay and riveted by Mr. Webster, and if we submit to the degradation we shall indeed be traitors to our country, to ourselves and to our posterity. He really wished some friend of the American System would be good enough to lay before the public something like a detailed enumeration of the many wonderful benefits conferred on the South by this union with the North. He wished General Hayne had put the question, "Will the honorable gentleman be good enough to inform us distinctly of what use the North is to the South? What are the benefits we derive from this Northern Union?" Perhaps some hints might be furnished these Northern gentlemen toward such a reply.

First among the obvious benefits of the Union to the South, he continued, was a perpetual liability to be dragged into quarrels instigated by Northern cupidity in support of Northern pretensions, not against our enemies but our consumers, Great Britain and France. Secondly, we are indebted to this Union for having disburthened the South of a sum of money which, had it been laid out in the South instead of in the North, would have doubled the population, the products, the prosperity and the power of the South had it been desirable to Northern politics that this should be done. During the last fifty years South Carolina has paid over sixty or seventy millions of dollars to the United States, of which it will not be easy to show one million laid out among the people upon whose industry it has been raised. Let Mr. Webster set down this item of Southern contribution to Northern prosperity as one of the blessings of the Union.

The modern maxim of the worshipers of Union is that the will of the majority is the law paramount in every possible case of legislation. Thus the general welfare is the only rule

of constitutional construction. Hence the tariff for protection. Hence the wanton waste of the public treasure in what is called internal improvements. Under this maxim, that the will of the majority may decide what shall be the general welfare, there is an end of the federal compact. There is no compact. This dispute about express powers and implied powers is all jargon. There is now one consolidated government.

Give us the constitution of 1789–90 and the Union of 1789–90 as its framers meant it, and constructed it, and we shall deem ourselves satisfied and safe. But the Union introduced and acted on by Messrs. Adams and Clay, the adopted Union of New England monopolists, and emblazoned by the eloquence of their converted advocate, Mr. Webster, this Union is fraught with mischiefs which the South, and South Carolina in particular, will do well to calculate before she permanently submits to them.*

The debate thus started by Webster and Hayne dragged on till late in May, and bore throughout the character given to it by the two great leaders. Sectional jealousy, party hate, personal spite, broke forth continuously, and very little was said on the subject supposed to be discussed. The conduct of the administration then in control and that of the six that went before; the sins of the Federalists, the iniquities of the Republicans; the Farewell Address of Washington, the Hartford Convention, the Alien and Sedition Acts, the Virginia Resolutions; the many interpretations of the Constitution by the Presidents, the Congresses, the Supreme Court, and by the States; the sort of government that existed under the Articles of Confederation; the kind of government then existing under the Constitution; the Bank; the appointing and removing power as used by all the Presidents; the embargo; the coalition; the tariff; the right of the government to engage in internal improvements; land titles and slavery in Kentucky; the comparative prosperity of the slave-holding and the free States; the political opinions of Jefferson; the political effusions of Adams; the origin of parties; the purchase of

* Columbian Telescope, March 19, 1830.

Louisiana; the attempt to give the President a title in 1789; the political revolution of 1801;—such were a few of the many topics touched on or discussed in the course of this singular debate! It was in truth not a debate, but one long wrangle in which Senators of each party poured out their long pent-up feelings of sectional animosity. Among those who discussed the constitutional issue raised by Hayne and Webster five theories of government were current.

There were those who dissented from every argument urged by both Webster and Hayne. When, they argued, the thirteen colonies threw off allegiance to their mother country, and set up governments of their own, they became invested with full, complete, and absolute sovereignty. No part of this sovereignty has ever been surrendered, because it is impossible to do so. A sovereignty subject to restraint; a half, three-quarters, a seven-eighths sovereignty is inconceivable. Every State must be a unit, must be entirely of one character, must be all sovereign or all vassal. When, therefore, the States formed the Constitution they did not, they could not, strip themselves of so much as one jot of their sovereign power in relation to given subjects, either individually or in conjunction with others. A State, with others, may agree to forbear to coin money, wage war, make treaties, regulate foreign trade, and this is just what the States did when they formed the Constitution which now unites them. That compact is an agreement, a stipulation, by the parties to it, to use their sovereign powers jointly, through the agency of a general government, in the manner, and for the purposes set forth in the instrument. That compact was not formed, and could not have been formed, by the people at large; nor by the people acting in any other capacity than as States. It was framed by representatives from the States, and was adopted by representatives from the States severally, sitting in conventions called by the legislatures of the States. The States, not the people, made the Constitution, and the general government is in all things the servant and in no things the master of the States.

Such being the case it follows that the sovereign power of the State is not a subject for judicial decision, and that

the Supreme Court is not the tribunal to dispose of the sovereignty of the States, or, in the language of the gentleman from Massachusetts, "to impose certain salutary restraints upon States' sovereignties." Such a power, if it be sustained, must lead to the consolidation of the government. But it will not be sustained. Our hope is in the people. They will never permit the sovereign power of the States to be narrowed down, controlled, restrained, by a quorum of the judges of the Supreme Court. They will oppose it with their suffrages, with the force of public opinion, and in whatever way they may. The history of the world does not furnish an instance in which the sovereignty of a State was ever subjected to judicial decision or to any power other than the God of Battles and the Lord of Hosts.

In another class were those who freely admitted that cases might arise in which the Supreme Court might declare a law to be unconstitutional; that in such instances the decision, whether it did or did not affect State rights, must be final and must be obeyed, and that no State could rightfully hinder or stop the carrying out of the sentence. But they denied, and denied vigorously, that the Supreme Court had ever been created to act as umpire in disputes between the government of the Union and the governments of the States. Among the attributes of sovereignty retained by the States, said these men, is that of watching over the actions of the general government and protecting their citizens from unconstitutional laws. In the case of an act plainly unconstitutional, in the opinion of a State, but held to be lawful by the Supreme Court, the State aggrieved may remonstrate to Congress; may address the other States; may address the people and ask them to change or instruct their representatives; may propose a Constitutional amendment; and, finally, if none of these methods brings relief, may resort to the natural right which every people have to resist extreme oppression. If the case be one of those few which can not go before the Court and be one which, in the opinion of the States, would justify secession, then out of the Union the State should go.

A third class was composed of those who, while they admitted the right of a State to set aside an act of Congress,

dissented from this method of procedure and believed that secession was no remedy at all. No State legislature, said they, can nullify an act of Congress. Whenever a State believes Congress to have been guilty of a deliberate, palpable and dangerous exercise of power not granted, the party injured should call a State convention, and submit the question to the delegates of the sovereign people. Should the convention decide that the law is not an infraction of the Constitution, then the State must submit. Should the decision be that the law is unconstitutional, then it becomes at once null and void and of no force, and Congress must submit or obtain a grant of the desired power from the States. If three-fourths of the States thus appealed to refuse to make the grant, then Congress is forbidden ever again to use that power. Should three-fourths of the States decide against the complaining State, then acquiescence becomes her duty and she must submit, for secession was not contemplated by the framers of the Constitution.

Behold, said the leaders of a fourth class, the consequences to which this doctrine of State rights leads. If any one State may rightfully suspend the operation of an act of Congress, then each State and the smallest State, by the smallest possible majority in her small legislature, may nullify laws of the United States within her jurisdiction. Then will the action of Congress depend on the concurrent will of each and all the States. Then may laws made by a majority of the people as represented by the House of Representatives, and by a majority of the States as represented in the Senate, be set aside by the smallest State in the Union. Such a government, if government it may be called, would be absurd in theory and impracticable in action.

If this veto is the right of a State, she can not be controlled, resisted, coerced. She may therefore peacefully leave the Union and so dissolve the Union, for laws must be uniform throughout the United States. This Union, then, can only exist so long as four-and-twenty States agree in opinion. But we are told no such evil will result. We are told that nullification is a safe remedy, a necessary check, a salutary restraint on the uncontrolled majority, a new balance on the

Constitution that will regulate all its motions. Once acknowledge this new State power, and there will be no more encroachment on the rights of the States. Vain delusion! Once acknowledge it and this Union will either be peaceably dissolved or forcibly maintained.

The true theory of government in our country, said others, is this. The Federal Constitution is supreme over the State constitutions. All laws made in pursuance of the Constitution and all treaties made by the authority of the United States are the supreme laws of the land, any State law made or to be made to the contrary notwithstanding. State judges are bound by the supreme law, any State law or constitution notwithstanding. The Executive is bound by oath to execute the supreme law. All questions arising from the conflict between the authority of the Federal Government and that of the State are to be settled by the courts of the United States, and all decisions so made are to be considered the supreme law of the land and executed accordingly.

Toward the close of May, after Senators from every part of the country had talked themselves tired, the resolutions of Foot were abandoned and the great debate on State rights ended. As yet the President had done no act, had spoken no word which justified the supporters of either side of the question in saying, He is with us! That he should take a side and take it quickly was all important, and to bring this about the leading nullifiers in Congress formed a plan. The father of nullification was Thomas Jefferson, whose birthday was the thirteenth of April, 1743. What more fitting, then, than to celebrate the anniversary of this event by a great political dinner in honor of the man and his doctrines? Surely such a feast was most appropriate, and the dinner was accordingly announced in the Washington newspapers. The President and the Secretaries were invited and accepted; a list of most significant toasts was prepared, and republicans, whether in Congress or out of Congress, were invited to send in their names and subscriptions. But when the delegates from Pennsylvania saw the toasts they refused to a man to attend. The dinner, however, came off, and was voted, by those who sat around the tables, to be as fine an affair as ever took place

in Washington. The political acts and opinions of Jefferson made the sentiments of the toasts, which were printed on slips of paper laid at the plates of the guests and subscribers. Those at the head of the list, the birthday of Thomas Jefferson; the Declaration of Independence; the author of the Declaration; the framer of the Statute of Virginia establishing religious freedom in that State; the father of the University of Virginia, were drunk to with music and applause, but without comment. But when the toast to the Kentucky Resolutions of '98, which were declared to be a practical illustration of Jeffersonian republican principles and a correct definition of the relative powers of the State and Federal governments was reached, Mr. Bibb of Kentucky rose and explained their meaning.

The next toast, "The Virginia Resolutions, and Madison's Report of the year '98—Text-Books in the Jeffersonian school; when they cease to be read and admired the days of Liberty will be numbered," brought up Mr. Barbour, who explained the Virginia doctrine. It is, said he, to leave with the Federal Government the powers granted; to claim for the States and the people of the States the remainder, and in fixing the line of demarcation to follow the text of the Constitution, and not the bewildering mazes of doubtful and erroneous commentaries made on it.

The toast "To Louisiana and the memory of him who acquired it" was followed by long-continued cheering and by music from the marine band; but when the cheers and the music stopped, a silence ensued which indicated that some one was expected to reply. But no one did, and as the silence had become most embarrassing, Mr. Benton rose and spoke briefly. Then followed toasts made up of fragments of Jefferson's first inaugural address; speeches by Senators Woodbury and Hayne; and then more sentiments, till the regulation list of twenty-four, one for each State, had been completed.

The time had now come when, according to custom, the diners were at liberty, nay, were expected to offer such toasts as they pleased without being formally called on to do so. But the President and his Cabinet being guests of honor the toastmaster arose and invited the President to give to the

company a sentiment. This was the moment most anxiously awaited; for the sole, the only, purpose of the dinner was to draw from Jackson and the Secretaries such expressions of opinion as would convince the country that the administration was not opposed to nullification. The President, we are told, had listened in silence to the toasts and the speeches, and neither by look nor gesture had given the smallest indication of what he thought. He had indeed written down a few words on the back of the paper on which the regular toasts were printed, and now, to the horror of the nullifiers, read—"Our *Federal* Union. It *must be preserved.*" *

The enforced applause having died away Calhoun was called and said—"The Union; next to our liberties the most dear. May we all remember that it can only be preserved by respecting the rights of the States and distributing equally the benefits and burdens of the Union."

As soon as Calhoun was seated Van Buren rose and proposed: "Mutual forbearance and reciprocal concessions. Through their agency the Union was established. The patriotic spirit from which they emanated will forever sustain it." More than seventy volunteer toasts now followed. But the two that alone aroused comment, remained fixed in the minds of the people, and are remembered in our day, were that proposed by Jackson and that proposed by Calhoun. The Administration press toiled hard to prove that the meaning of the President was perfectly plain, that he who ran might read it, and that, put in plain words, it was, the policy of the country whatever it may be, must yield to the discontent in the South in order that the Union may be preserved; and that what Jackson said was, after all, but an echo of the words of Mr. Bibb. "The Federal Union must be preserved; the friends of free government must not be exposed to be insulted and silenced by the votaries of tyranny." But the anti-nullifiers laughed to scorn such explanations and claimed

* The editor of the Telegraph declared, later, that this toast "was written at the table, in pencil, on the back of a slip of paper on which the regular toasts were printed, and the original in the handwriting of the President, underscored as printed, was sent to the office of the Telegraph by the Committee who prepared the proceedings for publication."

the President as their friend. The purpose of many of the toasts, said they, was to foment the discontent of the people of the South with the tariff, and to alienate one section of the country from another. This purpose the President easily discerned and had rebuked in his toast, "Our *Federal* Union; *it must be preserved.*" He has done well. His position is unmistakable. He has said to the South, "You may complain of the tariff, and perhaps with reason. But so long as it is the law of the land it shall be enforced, so surely as my name is Andrew Jackson." This interpretation was in turn denied by the administration newspapers, which declared that the true meaning of the President was, that the policy of the country, whatever it might be, must yield to partial discontent as the one means of preserving the Union.

Confident that the President was with them, and well knowing the value of great names, the anti-nullifiers appealed to Madison to speak out; * but it was late in the year when his views were made public. The Constitution, he said, did not provide a consolidated government, nor a confederated government; but a mixture of both. It was formed not by the governments of the component States, as was the Federal Government it supplanted. Nor was it formed by a majority of the people of the United States, as a single community. It was formed by the States, that is the people in each of the States, acting in their highest sovereign capacity, and formed consequently by the same authority which formed the State constitutions.

Being thus derived from the same source as the constitutions of the States, it had within each State the same authority as the constitution of the State. But with this essential difference, that being a compact between the States and constituting the people thereof one people for certain purposes, it could not be altered or annulled at the will of the States individually as the constitution of a State may be.

Between these different constitutional governments, the

* "Some time ago you expressed a wish that Mr. Madison might come against this nullifying doctrine. *That object* is secured. In due time the public will have the benefit of his opinion in the most satisfactory manner."—Webster to Jeremiah Mason, June 4, 1830. Webster MSS.

one operating in all the States, the other operating separately in each, with the powers of government divided between them, it could not escape attention that controversies would arise and that some provision must be made for their settlement. That nullification could be a proper mode of settling such disputes he denied. The Constitution is a compact, and its text must be expounded according to the provisions for expounding it making a part of the contract. None of the parties could rightfully renounce this any more than another part of the compact. Should the provisions of the Constitution be found not to protect the rights of the States against an accumulation of usurpations and abuses on the part of the United States, the final resort was an amendment to the Constitution. In the event of a failure of every constitutional resort, and an accumulation of usurpations and abuses making passive obedience and non-resistance a greater evil than revolution, then there was an appeal, the last of all, to original rights and the law of self-preservation.

While the Senators were engaged in their unseemly wrangle over Foot's resolution at one end of the Capitol, the House at the other end was often the scene of like outbreaks of sectionalism. A motion to instruct the Committee on Public Lands to inquire into the expediency of distributing the net annual proceeds of the sales of public lands among the States, to be used for education and internal improvements, plunged the House into a long debate in which the East and the West, the old States and the new, were arrayed on opposite sides, in which the South sided with the West, and in which threats of secession were openly made.

A bill to construct a road from Buffalo to New Orleans by way of Washington was assailed in the same spirit. Such a highway, it was urged, would knit the Union yet more closely; expedite the carrying of the mails; be of inestimable value to the farmers of Western New York, Pennsylvania, Maryland and Virginia; give life and energy to the settlers in the Western States; and afford easy communication in time of war between the Capital and two exposed points on the frontier. To send a letter from Washington to Buffalo, it was said, then consumed six or seven days, and to New Or-

leans nineteen days. Build the road and the mail would reach Buffalo in four and New Orleans in eleven days. Had the road existed during the late war with Great Britain, a saving in the cost of transmitting munitions of war would have been effected sufficient to pay the cost of construction. To move one cannon to Buffalo by the old route cost two thousand dollars. The road again was truly national. It was fifteen hundred miles long, crossed nine States whose population in 1820 was six million souls, and was part of a great scheme of internal improvements which had been going on during four-and-twenty years.

The opponents of the bill answered that not a cent should be appropriated for internal improvements till every dollar of the national debt had been paid; that whether or no the people would then consent to continue the system of taxation which produced a surplus remained to be seen; that if they did the surplus should be distributed among the States and not be expended by the general government for the consolidation of its powers, and the injury of the reserved rights of the States. Commissioners, it was said, are to be appointed to receive, without consent of the States, releases from the owners of land over which the road is to pass. But suppose the owner is unwilling to give the release, will you extend the arm of federal power and coerce him? Will you assume federal jurisdiction over the road and punish by the federal judiciary offenses committed on it? And must the system of excessive taxation be endured forever, and this system of inland improvements be kept up for the mere purpose of absorbing the surplus revenue? "I know," said Polk of Tennessee, "it is the policy of the friends of a certain system to keep up the high taxes, to procrastinate the payment of the public debt, and when it is paid to have a plausible pretext to expend the surplus. The American System, as it is falsely called, consists of three things; it is a tripod, it is a stool that stands upon three legs. One is high prices for the public lands to prevent emigration to the West, that a population of paupers may be kept in the East and forced to work for low wages in the factories. Another is high duties, and high taxes to protect the manufacturer and produce a surplus

revenue. The third is the system of internal improvements which is the sponge to suck up the excess revenue taken from the people. This view of the Constitution dates back to the close of the late war. Before that event the Federal Government performed the duties which the States intended it should, and its action was chiefly external. There has been a constant tendency to accumulate power in the Federal head, and to encroach on the legitimate and reserved rights of the States; to use doubtful constructive powers and to build up a splendid government, differing only in name from a consolidated empire."

We seem, said Barbour of Virginia, to have reached an interesting crisis in our political history. Since the end of the late war a new era has opened on us. With nothing abroad to trouble us, we are left to work at home. The action of the government has now turned inward with an overflowing treasury and the near extinguishment of the public debt. New schemes of policy are devised; new principles of government were avowed. If the government will confine itself to the great objects of war, peace, commerce, and foreign relations, and leave everything municipal in its nature to the States, we will go on in harmonious concert. But when we cross this line and intrude on the field of municipal legislation we turn content into discontent and bring into direct conflict the interests on which depend the Union. "This bill," said a member from New York, "is entitled a bill for constructing a road from Buffalo, in the State of New York, by the way of Washington, to the City of New Orleans. When I look into the provisions of the bill, when I see the stretch of authority there attempted, when I consider the profligate expenditure of money it proposes, when I view its partiality, its cruelty, its injustice and its usurpation, and compare it with the constitutional powers of the government, the title strikes me as inappropriate. It should be entitled, 'A bill to construct a road from the liberties of the country, by way of Washington, to despotism.'"

Should this bill pass, said another member, we may regard it as conclusive, that the purpose of this government to keep the present grinding oppression of the South up to its

present amount is fixed. I know well the opinion of my constituents, and we all know that one common feeling on the subject pervades the whole southern country. The people cannot regard the money as appropriated to open the road. No, sir, they will believe that the road is opened to appropriate money. The deep, settled opinion of the people of the South that they are oppressed becomes a matter of serious consequence when you take into view their equally settled opinion that the oppression arises from the use of unauthorized power in the manner of laying the taxes. It pervades a large, a powerful section of the country, and the lawgiver who acts in contempt of it, treads on danger's giddy brink. If the bill now under consideration, said Lee of Tennessee, should ever become a law, it would be idle, insulting, to pretend that we aim at anything short of consolidation and a complete conquest of State authority. I consider this bill as the most daring attempt upon State jurisdiction and authority that was ever before a Congress of this Union. To pass it would be nothing less than invoking a direct collision with some of the States of the Union. Have gentlemen forgotten the quarters from which we have been admonished not to exercise this power? Or are they determined to push on regardless of consequences? I call on the friends of harmony and good order to beware. When at last the question was put: Shall this bill be engrossed for a third reading? the yeas were 78 and the nays 111; so it was of course rejected.

Another bill authorizing a subscription to the stock of the Maysville and Lexington Turnpike, a road sixty miles long and lying wholly in Kentucky, met a better fate and passed both House and Senate. But it soon came back with the veto of the President and a long message in which he, too, set forth the State right view.

The Maysville and Lexington road bill having gone to the Senate, the House turned to new business and were unexpectedly plunged into another sectional wrangle over the tariff. A bill for the better collection of the revenue had been reported and was about to be discussed, when Mr. McDuffie moved an amendment intended to repeal the tariff laws of 1824 and 1828, so far as they related to wool and

woolen goods, iron in bars and bolts, hemp, flax, cotton bagging, indigo, molasses and cotton, and supported his motion in a fiery speech. Such parts of his remarks as related to the unconstitutionality, the inequality, injustice, oppression, and tyrannical operation of the tariff laws were of the kind members of Congress had long been used to hear. But again and again as he went on he burst forth into bitter attacks on the States and men of the North and the majority in Congress. "I ask you then, sir, in the name of the Constitution, and of the principles of eternal justice, what right has Congress to destroy the interest of one entire section of this confederacy, to promote the interests of the other sections? What right have you,—I put the question to the majority of this House in the name of the people of the Southern States,—what right have you to lay your hands on our property, upon that which is ours by the highest of all earthly titles, and arbitrarily appropriate it to your own use, or that of your constituents? No freak of tyranny ever committed by an absolute despot can exceed this outrage upon the principles of natural justice, which you are perpetrating under the perverted powers and prostrate forms of a free government.

"The Southern States are to all intents and purposes recognized as much as if the British Parliament had the supreme legislative power of regulating their commerce." "The Southern States, actuated by that uncalculating patriotism for which they have always been distinguished, have submitted, without a single murmur, to a system of taxation which has drawn from the productions of their industry at least double the amount of their just contribution to the Federal treasury. But, sir, when they find an interested majority, confident in the strength of numbers, openly and boldly avowing the unjust and I had almost said nefarious and piratical purpose of sweeping from the face of the ocean a lawful branch of trade which almost exclusively belongs to the people of these States, it is time for them to rise up in the majesty of their rights and demand, in the name of the principles of eternal justice and of constitutional liberty, by what authority do you commit this monstrous outrage."

The oppression of the people of South Carolina, he said,

had been carried to an extremity which the most slavish population on earth would not endure without a struggle. Was it to be expected, then, that freemen would patiently bow down and kiss the rod of the oppressor? It was not for him to say what course South Carolina might deem it a duty to pursue in this great emergency. It was enough to say that she perfectly understood the ground she occupied and that whatever attitude she might assume, she would firmly and fearlessly maintain it, be consequences what they might.

Do not apprehend, sir, said Mr. Blair of South Carolina, "that South Carolina wishes to separate from the Union, but she can not consent to hold the rank of a mere province and permit her citizens to be enslaved. They will not become slaves to Northern manufacturers. No, sir, you have no just fears to entertain in relation to South Carolina. She will do everything, nay, she has done everything that the federal compact, honor, and patriotism require of her; and after this, if the worst must come, why, in God's name, let it come! If those who ought to cherish her as an old Revolutionary sister and confederate still persevere in ungenerous and unhallowed attempts to beggar and enslave her, she will defy you, sir. I will not apologize for using strong language, I speak the language of a sovereign State whose patient endurance is stretched to its utmost existence. If South Carolina can not remain in the confederacy on fair, equitable and constitutional terms, if, finally, she has no alternative but to adopt such measures as may eventuate in her separation from the great American family, or become a slave, she is disposed to leave you in peace, and she will leave you with her best wishes for your happiness and independence."

I have never allowed myself, said Mr. Martindale, to contemplate the dissolution of the Union as possible. But if the statements of the interests of the cotton-growing States be correct, it is not only possible but inevitable. For myself and my constituents, and in behalf of the State which, in part, I represent, I repel the charge of the base intent imputed by the gentleman from South Carolina. Make good the charge, prove the injury, and we will consent to the secession to-morrow; but we can not and will not allow the repeal

of the tariff. Go, in the name of God,—go in peace, if there be the least semblance of truth in the charge. But there is not. Is South Carolina oppressed? I deny it. Before the nation and the world, I protest it is not true.

To this Mr. McDuffie asked what would be the effect of dissolving the Union? The Southern States would export to foreign countries productions amounting to forty millions of dollars, and as there would be no system of legislative plunder, or piracy, to intercept the lawful returns of their industry and enterprise, they would import through their own custom houses foreign merchandise to at least an equal amount. The whole of the reserve derived from the impost duties on these goods would then belong to them, instead of being unnaturally diverted to enrich other parts of the confederacy.

In less than ten years Charleston would be the second city in the Union, and all the Southern cities and towns would have a corresponding increase. The wealth and capital now concentrated in Boston, Providence, Lowell, would be transferred to Charleston, Savannah, Augusta and Columbia.

And what would be the effect of the secession of the cotton-growing States on the wealth and prosperity of the other States of the Union? What would become of their mills and factories now sustained by unjust and unconstitutional taxes on the production of Southern industry? They would exhibit one wide, unbroken scene of desolation and ruin.

In the end the amendment to repeal the tariff acts was rejected and the bill was passed. The House then gave its attention to Indian affairs.

CHAPTER LV.

STATE RIGHTS MAINTAINED.

The policy of the administration, as set forth by Jackson when he bade the Creeks of Alabama and the Cherokees of Georgia quit their homes and go quietly to lands beyond the Mississippi, proved far from acceptable to the Indians. The chiefs of the Cherokee Nation took steps to prevent even the voluntary removal of their people, ordered that all who enrolled for emigration to Arkansas should be deprived of citizenship, and allowed fifteen days in which to quit the territory; decreed that any Indian who sold his improvements to an emigrant in order that they might be valued by the agent of the United States should be fined and whipped; and ordained that any citizen who, without consent of the Legislative Council, entered into a treaty with the United States to sell a part of the national lands should, on conviction, be put to death. To these acts of resistance Georgia responded by seizing the Cherokee country; by cutting it into pieces which she annexed to five of her western counties; by declaring the laws and ordinances of the Cherokees to be null and void; by spreading her own laws over them; by forbidding emigration and the sale of land under penalty of imprisonment of from four to six years, and by fixing June 1, 1830, as the day whereon this law should go into effect. And now Alabama and Mississippi made haste to follow the example set by Georgia and in like manner cut up the Indian territory within their boundaries, annexed it to their counties, and spread over it their laws.

The acts of these three States; the appeal of the Cherokees from the President to the people of the United States,

the lively sympathy aroused in the North and East, the public meetings, resolutions and petitions to Congress in their behalf, and the wish of the President expressed in his message that the Indians might be sent across the Mississippi, called loudly for Congressional action. A bill was therefore reported authorizing the President to select a great tract of land west of the Mississippi River and not within the limits of any State or organized territory, cut it into districts for the reception of such Indian tribes as might be willing to remove there; give such aid and protection as might be necessary to enable the emigrants to travel to and settle in the district assigned them, and appropriated five hundred thousand dollars toward carrying these provisions into effect.

If, said the friends of the Indians, the real purpose of this bill were to provide a country beyond the Mississippi for such Indian tribes as, of their own free will, might be disposed to remove there, we should cheerfully give it our support. But this is not its real purpose. The papers before the House convince us that it is chiefly intended to aid the measures recently taken by certain Southern States for the removal of the Indians within their borders, a purpose unjust to the Indians and injurious to the reputation of our country. We cannot therefore give it our support. Our duty is clear. We must resist the imperious demands of Georgia or abandon our treaties and laws. By treaties we have marked out the bounds of the Indian country and forbidden the Indians to sell their lands to third persons or to foreign States. By acts of Congress no person can enter the Indian country for trade without a license, nor settle there, nor buy of the Indians, clothing, guns, nor implements of husbandry, nor sell them spirituous liquors. All crimes committed by Indians are tried in the United States courts. The tribes first and the government finally are liable for all Indian depredations. We furnish them with domestic animals, with farming tools, with goods and money, send them agents, designate the places of trade, appoint persons to teach them agriculture, and for this purpose alone appropriate ten thousand dollars annually. Is not all this indubitable evidence of the national control of the Indians? Yet in the face of it Georgia, Alabama and

Mississippi have assumed entire civil and criminal jurisdiction over all the Indian territory within their limits, and claim that, let their laws be what they may, the United States can not interpose.

We are told that force is not to be applied to remove the Indians. Oh, no, no force! Only the laws of Georgia are to be spread over the Indians. Their ancient customs, laws, usages are to be abolished; their council fires extinguished; their existence as a political community annihilated. For what purpose does Georgia extend her laws over the Indians unless it be to force them to remove; to enable her to get possession of their lands?

We are told that the treaties guaranteeing to the Cherokees their country are prejudicial to the just claims of Georgia. We deny it, for Georgia has no just claims to the Cherokee country. Her Indians are not tenants, nor subject to her will, but are the sole proprietors of the land they occupy, and the United States is bound to defend their boundary and protect their rights and privileges as a nation.

What, it is asked, has a Cherokee to fear from the laws of Georgia? He has this to fear. By one section of her law of December, 1829, Georgia has provided, "that no Indian or descendant of any Indian, residing within the Creek or Cherokee Nation of Indians, shall be deemed a competent witness in any court in the State to which a white person may be a party, except such white person reside within the said nation." Wicked and depraved men have but to cross the Cherokee line, have but to choose the time and place when the eye of no white person is on them, and they may burn the dwelling, waste the farm, plunder the property, assault the person, murder the children of any Cherokee subject of Georgia and, though hundreds of his tribe may be looking on, not one of them can bear witness against the spoiler. He is, by law, left to the mercy of the firebrand and dagger of every unprincipled wretch in the community.

What, we are asked, has a Choctaw to fear from the laws of Mississippi? He has this to fear. A section of one of her laws provides that any person who shall, in any manner, perform the duties of chief, mingo, head man, or other office.

not recognized by the laws of the State, shall, on conviction before a competent court, be fined not more than a thousand dollars and be imprisoned not longer than one year. Now, there is a treaty between the United States and the Choctaw Nation which authorizes the "mingoes, chiefs, head men of the Choctaw Nation to raise and organize a corps of light-horse." But under the laws of Mississippi any person who should dare to do what this treaty authorizes him to do, would be subject to fine and imprisonment.

The bill upon your table, said its advocates, involves little that can be considered new in principle. The Indians began emigration. Their own enterprise, unimpeded by the Government, led many of the southern tribes to move westward and take up their abode beyond the Mississippi. The Cherokees began it as early as 1808, and since that time treaty after treaty providing for emigration has been made with the various tribes. This policy has been approved by every President from Jefferson to Jackson and by every Secretary of War from Calhoun to Eaton; has been the subject of Indian talks, treaties, laws, messages, and reports; has been heartily endorsed by a large part of the wise and good over all the land, and has received the support of our most enlightened Indian agents and our most pious Indian missionaries.

Who then are the opponents of the bill? They are the opponents of this administration, and those who from selfish consideration have made great exertions in the fashionable mode of the day and cover our table with memorials, pamphlets, and speeches before society and town meetings. These country fanatics have placed themselves behind the bulwark of religion and denounce the Georgians as atheists, deists, infidels and sabbath-breakers, laboring under the curse of slavery. Our State stands charged before this House, before this nation and before all the world with cruelty to the Indians. The general condition of the Indians is pictured as comfortable, prosperous, enlightened and that of the whites as wholly debased. The Georgians are described as the worst of savages; as men who can neither read nor write, and who never hear a sermon unless preached by a New England missionary. Yet the inhumanity of Georgia is

nothing more nor less than the extension of her laws over a misguided population living on her soil and under her jurisdiction. But Georgia has no complaint to utter, no supplication to make. She knows her rights, denies your jurisdiction, and fears nothing from your sentence. Her right of sovereignty will not be yielded. If you do not perform your duty and fulfil your contract of eight and twenty years' standing, you had better let her alone, and leave her to arrange her own affairs in her own way. A crisis has arrived which calls for action. The right of jurisdiction need not be questioned. It is settled. Georgia and Alabama and Mississippi have assumed jurisdiction over all Indian territory within their limits, and claim that, let their laws be what they may, the United States can not interpose; no, not if they pass laws to put every Cherokee, Chickasaw, and Creek to death. They have driven the United States out of their limits, and now deny its right by treaty or by legislation to meddle in the internal and domestic concerns of the Indians.

All these and many more arguments were replied to at great length by the friends of Indian rights. But the question was not to be settled by argument. From the very first it was partisan and sectional in character. Three times during the debate motions were determined by the casting vote of the Speaker, and when at last the question, Shall this bill pass? was put, the yeas were one hundred and three and the nays seventy-seven.

Two days later Congress rose and the next day, which was the 1st of June, the laws of Georgia went into force in the Cherokee country and were duly proclaimed by the Governor. How rigorously they would be enforced, and how patiently submitted to by the Indians remained to be determined.

The State officials were prompt to act. During the summer of 1829 gold was discovered in the northeast end of the State on lands owned by the Cherokee Indians. Gold-hunters rushed in and when the summer of 1830 came some three thousand men were reported to be digging at the mines. All this was illegal, for an act of Congress forbade any one to settle or trade in the Indian territory without a license from

the United States. Nine such intruders from Hall County were accordingly seized by the United States authorities and in June, 1830, were brought before Judge Clayton, of Georgia, who discharged * them and promptly complained to the Governor. When he beheld these men paraded through the streets guarded on all sides by the troops, if not of a foreign, at least of another government, and for no other crime than going on the soil of their own State, he felt, he said, as never before, the deep humiliation produced by the exercise of power by the general government within the jurisdiction of Georgia. He urged the Governor to request the President to withdraw the Federal troops. In due time the request was made and promptly granted.

The duty of driving out intruders and preserving order in the Indian country thereupon fell on Georgia, and at a special session of the legislature a law for the purpose was enacted. Henceforth it was unlawful for a Cherokee Council or legislative body to meet, unless to cede land, or for a Cherokee judge to hold a court, under penalty of four years' imprisonment. Any white man found in the Indian country after March 1, 1831, without a license from Georgia was to be subject to the same penalty.

Meantime the Cherokees had begun to act, had consulted William Wirt, and had been informed that they were a sovereign nation under the protection of the United States. Their territory, they were advised, was not within the jurisdiction of Georgia which had no right to spread her laws over it, and the law providing for such extension was null, void, and of no force. It was void because it violated existing treaties; and was repugnant to the Act of 1802 and the Constitution of the United States. Thus advised the Cherokees retained Wirt to make a motion before the Supreme Court for an injunction restraining the execution of the laws of Georgia within their territory, and made one more appeal to the people of the United States.

And now a test case arose in a most unexpected manner. An Indian named Corn Tassel killed a fellow Cherokee, and

* Georgian, June 26, 1830. Niles's Register, July 10, 1830.

for this was arrested, tried, convicted and sentenced in the Superior Court of Hall County. The day for execution being near the case was hurried before the Supreme Court of the United States on a writ of error, and a citation issued to the State of Georgia to appear and show cause why the sentence against Corn Tassel should not be corrected. At this attack on the sovereignty of Georgia the wrath of the Governor flamed high, and when laying the writ before the legislature he declared that any attempt to execute it would be resisted with all the force at his command. "If," said he, "the judicial powers thus attempted to be exercised by the courts of the United States is submitted to, or sustained, it must eventuate in the utter annihilation of the State governments." The legislature replied that Georgia would "never so far compromit her sovereignty, as an independent State, as to become a party to the case," and bade the Governor, and "every other officer in this State," ignore "any and every mandate and process that has been, or may be, served" for "the purpose of arresting the execution of any of the criminal laws of this State." The injunction was strictly obeyed; the writ was utterly ignored; and on the appointed day Corn Tassel was hanged much to the delight of all true friends to State right doctrines, who now looked forward with a new interest to the coming trial of the case of the Cherokee Nation vs. Georgia.

The editor of the United States Telegraph, the official organ of the President, exactly expressed their sentiments when he declared that "the position in which the Supreme Court is placed by the proceedings of Georgia, demonstrates the absurdity of the doctrine which contends, that the court is clothed with supreme and absolute control over the States."

March fifth, 1831, was set down for the hearing, but the argument was made one week later. No counsel appeared in behalf of Georgia. William Wirt and John Sergeant represented the Indians, and filed a supplementary bill setting forth that since the first bill was drawn the State of Georgia has been guilty of other acts which went far to show a fixed determination to enforce her authority over the Cherokee Nation. She had denied the jurisdiction of the Supreme

Court in the case of Corn Tassel and put him to death. She had enacted a law for the survey of the Cherokee lands and for their distribution by lottery among her people. She had declared null and void all contracts hereafter made with the Indians; had forbidden white persons to live within the bounds of the Cherokee country; had authorized the Governor to take possession of the gold and silver mines in the Indian country, had commanded him to enforce the laws, and he was so doing.

The complainants contended that the Cherokee Nation was "a foreign nation" and as such competent to sue in the Supreme Court; that such a case was made out in the bill as would warrant the court in granting relief, and that a fit and appropriate relief was the injunction for which they prayed. From all this the Court dissented. "It may well be doubted," said Marshall, "whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations. They may, more correctly, perhaps, be denominated domestic dependent nations. . . . Their relation to the United States resembles that of a ward to his guardian. . . . The Court has bestowed its best attention on this question, and, after mature deliberation the majority is of opinion that an Indian tribe or nation within the United States is not a foreign State in the sense of the Constitution, and can not maintain an action in the courts of the United States." The motion for an injunction was therefore denied and the Cherokees were left to the mercy of Georgia.*

The act of December, 1830, provided that all white persons living within the limits of the Cherokee country on and after March the first, 1831, must obtain a license so to do, and must take an oath of allegiance to the State of Georgia. The penalty for disobedience was imprisonment at hard labor for at least four years; but the law was not to extend to authorized agents of the United States. Some obeyed and left the country, others remained, and six of these were promptly arrested by the commander of the Georgia Guard

* 5 Peters, p. 1.

who was about to deliver them to the civil authorities when he was served with a writ of *habeas corpus* commanding him to show cause for their arrest and detention. The case was tried at the March term of the Gwinnett Superior Court. Counsel for the defendants argued that the law was contrary to the Constitution of the United States, and to that of Georgia. To the Federal Constitution because no State may pass an *ex post facto* law; because the citizens of each State are entitled to all the privileges and immunities of citizens of the several States; because no State shall, without consent of Congress, keep troops in times of peace; and because of the right of the people to be secure in their persons, houses, papers and effects from unreasonable searches and seizures. The law was contrary to the State constitution because the oath required was a test oath. Each objection was discussed by the judge in his opinion and declared untenable. Four of the prisoners were therefore held; but two were discharged because, being missionaries, and one of them also a postmaster at New Echota, they were authorized agents of the United States.*

Great indeed was the disgust of Governor Gilmer when he heard of the action of the State court. But the Washington authorities now came to his aid, removed the Rev. S. A. Worcester, postmaster of New Echota, and assured the Governor that missionaries employed among the Cherokees by the American Board of Foreign Missions were not agents of the United States. Thus fortified the Governor returned to the work in hand and in May, 1831, the Rev. Mr. Worcester and the Rev. Mr. Thompson were served with an order from the commander of the Georgia Guard to quit the Cherokee country within ten days. For Mr. Worcester to obey was impossible for his wife was an invalid. But this was no excuse and he was again arrested and in company with the Rev. James I. Trott was chained by the neck to a baggage wagon and driven by mounted guards to jail. So, too, were Mr. Thompson, the Rev. Martin Wells, the Rev. Elizur

* The letters, the order and some comment by the Cherokee Phoenix are in the Niles's Register, June 25, 1831, pp. 296–298.

Butler, the Rev. Mr. McLeod who had hastened from Tennessee to the assistance of Mr. Trott,* and some others.

The trial of the eleven men thus seized was before Judge Clayton and a jury. Counsel for the prisoners insisted that the law was unconstitutional, null and void. But the judge ruled that it was constitutional and bade the jury consider nothing but the facts in the case and decide as to the guilt or innocence of the prisoners. Thus instructed the jury returned a verdict of guilty and sentence of imprisonment for four years in the penitentiary was imposed.† The majesty of the law having thus been vindicated the Governor relented, wrote to the Inspector of the Penitentiary that as some of the men might have acted under a mistaken idea of their duty and of the powers of government, he would pardon such as would give assurances never again to violate the law. The Inspector was to see the prisoners, converse with them and inform the Governor of the result. Nine of them, the Inspector replied, gave promises that seemed to be quite sincere; but Worcester and Butler flatly refused and to the penitentiary they went.‡ An appeal was now taken by Worcester and Butler to the Supreme Court of the United States, and once more Georgia was summoned to appear, and failed to do so.

This time the decision was against her; for her law was declared to be unconstitutional, and her court bidden to reverse its judgment and let the prisoners go free; a mandate the Georgia judge refused to obey.§

The fate of the Cherokees was sealed. Rival factions under John Ross who led those who were determined to stay, and John Ringe who headed those willing to go, split

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* The letter of Mr. McLeod to the New York Christian Advocate describing the treatment of the missionaries, and other letters to the Cherokee Phoenix are given in Niles's Register for August 27, 1831, pp. 460–462. See also Georgia Journal, October 6 and December 5, 1831.

† Milledgeville Recorder Extra, September 24, 1831.

‡ Southern Recorder Extra, September 24, 1831. Albany Argus, October 10, 1831.

§ After suffering imprisonment for a year and more Worcester and Butler were pardoned.

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the Cherokee Nation in twain. At last in 1835 a treaty was made with the Ringe party and all the remaining Cherokee country was ceded for $5,000,000 and land beyond the Mississippi River. Even then the Ross faction refused to go. But in May, 1838, General Scott appeared, bade every man, woman and child be ready to go within a month, and in December the last of the Cherokees took up their long march for Indian Territory.

When Congress adjourned in the summer of 1830 the members went back to their homes to take part in the coming election of representatives for the twenty-second Congress, and in the general elections in their respective States. Events of this sort were preceded by public dinners to candidates or to distinguished men, and on such occasions the sentiments of the people on the topics of the hour were sure to find expression in toasts and speeches. To this ancient custom the electioneering of 1830 proved no exception, and in many States union and disunion, State rights and nullification, the Indian bill, the President's veto of the Maysville road bill, the tariff, internal improvements, Andrew Jackson and Henry Clay were toasted at a hundred boards. But the one affair which overshadowed all the rest was the State rights dinner at Charleston given by "the friends of the Southern States" to Robert Y. Hayne and William Drayton. Mr. Drayton was opposed to the tariff and to internal improvements; but was very far from being a nullifier and gave great offence by saying that the separation of South Carolina from the Union was more to be deplored than the existence of the hated tariff; that he could see no substantial difference between the nullification of a law of Congress by a State, and the withdrawal of that State from the Union. The right of a State to secede from the Union he unqualifiedly conceded, but so long as she belonged to it, if she was not bound by its laws, the monstrous anomaly would exist of a government whose acts were not obligatory on its citizens.

No such scruples troubled Mr. Hayne. Our doctrines are, said he, that the States are independent sovereignties, that the Constitution is a compact to which the States are parties; that the acts of the Federal Government are no fur-

ther valid than they are authorized by the grants enumerated in the compact, and that in case of a palpable, deliberate and dangerous exercise of powers not granted by that compact the States have the right to interfere to stop the progress of the evil. Since then the Constitution is a compact, fixing the limits of the Federal Government, South Carolina as one of the parties to the compact, in her sovereign capacity, claims the right to judge of its infraction; and claims the right to hold utterly null and void all acts which clearly violate the reserved rights of the States. The mode in which these principles are to be put into operation when a case shall arise to justify their application is a question to be decided by those who have the destiny of the State in their hands.

Neither those who listened to the speech, nor those who read it were at a loss to know what mode of redress to adopt. During six months the nullification newspapers had been outspoken in their demands for secession. If, they would say, South Carolina will act boldly and decidedly, the interest of the ship owners who live on us will drive them into open hostility to the tariff. Well do they know that the withdrawal from the Union of the cotton States would be a deathblow to the Northern Atlantic States. Why then this hesitation? Are we waiting for others to help? Do we not see that our fond hopes of aid from the new Congress and General Jackson have faded away? The protective system, the system of plunder and robbery on a great scale by unconstitutional law is triumphantly proclaimed by the Many-Headed Despot. Resistance then must and will be made by our next legislature, and it will be wise for men to prepare for the result, though the mode of resistance that will be adopted may possibly lead to disunion and perhaps to bloodshed.*

As the time drew near when elections for members of the legislature would be held, the expediency of secession was made the question of the hour, and the right to quit the Union and the necessity of doing so were argued at length before the voters. The benefits of disunion, it was said, would

* Telescope, February 13, 1830.

be many. Charleston would instantly become a free port and the value of every acre of land around about the city would be doubled. And what would be the value of United States stock in London when it was known that one of the States had dissolved partnership? What would become of the credit of the North in such a case? But no! the North is too wise to push us to such an extreme. Annul the tariff laws and declare the Union dissolved if they are not repealed before March first, 1831, or at least reduced to the rates of 1816, and this system of robbery and oppression will at once be ended.*

That South Carolina like every other State of the Union has a perfect right to part company with her sisters, no man in his senses can deny. She has the right at any moment to secede, and we leave the question whether oppressions heaped upon her have not been intolerable enough to justify her in taking such a step. But it disgusts us to hear so much said about her right to nullify and still remain a part of the Union. She would be no such thing. The very act would be revolutionary and she must either conquer the Union, or the Union must conquer her, or quietly accept her separation.†

The right to act is with us, and we should act. We can not conceal from the people that secession will hazard a collision with the Federal Government, that it may not stop where the friends of the Union desire. But we have done all that writing, speaking, protesting, menacing can do, so let us go farther.‡ At a meeting of citizens of Columbia, called to discuss the issues of the day, it was resolved that the sacred compact that united the people of the United States had been violated and disregarded; that the obstinacy of a usurping majority, persisting in their wrong-doing, made it necessary for South Carolinians to take the rightful remedy into their own hands, and that at a later meeting candidates would be called on to say expressly, whether they would, or would not, vote for a State convention.§

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* Charleston Mercury, June 22, 1830.

† Camden Journal.

‡ Southern Times.

§ Times and Gazette.

To call a State convention required a two-thirds vote in each branch of the legislature, and when the election was over it appeared that the nullifiers could muster a good majority. For the time being the Union men had triumphed; but their leaders well knew that in the struggle no aid whatever had been given by the President. Indeed the nullifiers claimed him as their friend. If this were not so, if the famous toast on Jefferson's birthday was not meaningless, the time had come for Jackson to act, and this his old friend Joel R. Poinsett undertook to persuade him to do. As soon as the elections were over, and before the legislature met, Poinsett prepared two letters. In one which went directly to Jackson by mail Poinsett complained that the nullifiers had striven hard to make the people believe that the Union party was voting against the wishes of the President; told him that such leaders as Calhoun, Hayne, and McDuffie had boldly said so, and assured him that it was not true that the Union men opposed nullification because they favored Clay. On the contrary it was the wish of every lover of the Union that Jackson should consent to serve another term.*

The other letter went to a gentleman in Baltimore who, as requested, sent it to a friend who forwarded it to Jackson as a "Copy of a letter from a Gentleman" in Charleston. In this Poinsett wrote without reserve. All we now require in Charleston, said he, is some expression by the President of his sentiments on nullification. The nullifiers say they are the only true Jackson men; but in truth they ever seek to embarrass his administration and bring disgrace upon his name by forcing him either to connive at rebellion or shed the blood of his fellow citizens. Instead of being discouraged by the administration, these disorganizers seemed to be favored by it. A most friendly correspondence was carried on between Mr. Van Buren and Major Hamilton which had the appearance of approval of that gentleman's doctrines and schemes. And these schemes were far more pernicious than General Jackson was aware, and if not suppressed he would,

* Poinsett to Jackson, October 23, 1830. Poinsett MSS., Pennsylvania Historical Society.

in the end, be forced to adopt a course most distasteful to him. He could not suffer South Carolina to destroy the basis of the Union, by nullifying a law of Congress, nor secede and unite herself ultimately with Great Britain. The majority of the people were opposed to such doctrines; but the leaders of the Anarchists were bold and indefatigable men reckless of consequences, while the Union men were listless and fearful lest they should act against the wishes of the man they loved and venerated. The idea that the unionists were not in favor at Washington, and that the nullifiers were supported by the President and his Secretary of State paralyzed the Union party.*

Jackson in his answer assured Mr. Oliver † that he had supposed every one knew he was opposed to nullification; that his toast at the Jefferson dinner was evidence of this fact, and that he was surprised that Mr. Van Buren should have been suspected of being a nullifier.‡

With this assurance of sympathy Poinsett and his friends were left to do the best they could when the Legislature assembled. The nullifiers having a majority began their attack by defeating William Smith for reelection to the United States Senate because of his well-known opposition to a call for a convention. The result, said a newspaper in commenting on Mr. Smith's defeat, proves that there is a temper abroad in the State, which nothing can check but a full redress of our grievances, and that no man can sustain himself who is rash enough to oppose it.§ In the Senate the Committee on Federal Relations promptly reported a bill, the preamble of which set forth that the Federal Government had assumed and exercised powers not granted by the Constitution; that appropriations for canals and roads, and the tariff for the protection of American manufactures were instances of such usurpations; that the legislature of South Carolina had more than once declared these laws un-

* Poinsett MSS.

† Jackson to Robert Oliver, October 26, 1830. Poinsett MSS.

‡ Enclosed in a letter from R. M. Gibbes to Poinsett, October 28, 1830. Poinsett MSS.

§ Southern Times, December 1, 1830.

authorized by the Federal Constitution and an infringement of the rights of the State, and that it was now the duty of the people to assemble in State convention and determine the mode and measure of redress.

In the House of Representatives the Committee on Federal Relations presented a report made up of passages taken from the Virginia and Kentucky resolutions of 1798; declared the tariff acts to be deliberate, highly dangerous, and oppressive violations of the constitutional compact; and asserted that, as all hope of redress by the Federal Government must now be abandoned, a convention of the people ought to be called to take into consideration these violations by the Federal Government.

The debate which followed was sharp and exciting; but the anti-nullifiers rallied in great force and in the Senate defeated the bill calling a convention, which required a two-thirds vote. A set of resolutions precisely the same as those before the House were then taken up, passed and sent to the House which likewise passed them.*

Meanwhile the people made themselves heard. At Georgetown the "Friends of Jackson and State Rights" gave it as their opinion that further forbearance would imply a tame submission to oppression, and that the attitude of the Federal Government called for unequivocal resistance.† The Charleston anti-nullifiers declared that the attempt to call a convention was the first step toward the nullification of the tariff laws, and that nullification of a law of the United States by a single State was revolutionary. The Georgia Senate disclaimed all sympathy with disunion, but maintained that the Federal Constitution ought to be construed literally; that the tariff of 1828 was unjust in conception, partial in operation, baneful to the interests of the South, and ought to be modified. In North Carolina the House of Commons adopted resolutions to the same effect. In Alabama the Governor urged the legislature "not to add to the state of present excitement but appeal to Congress."

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* Ibid., December 23, 1830.

† National Intelligencer, December 11 and 25, 1830.

The Congress to which it was then proposed to appeal assembled in December, 1830, and listened to a message singularly fruitless of legislation. Our foreign relations were reviewed at length; elaborate reasons were given for the vetoes of the lighthouse bill and the appropriation for the Louisville and Portland Canal; another appeal was made for a law providing for the distribution of the surplus revenue when the national debt was paid; an amendment to the Constitution providing for election by the people, of the President and Vice-President and a one-term tenure of office was urged again; a revision of the tariff was called for, and a new attack made on the Bank. Nothing, said Jackson, has occurred to lessen in any degree the dangers which many of our citizens fear from the Bank as now organized. It becomes us therefore to inquire if it could not be so changed in principle and character as to obviate constitutional and other objections. He would have a bank organized as a branch of the Treasury with authority to receive public and private deposits, without power to buy property or make loans, but permitted to sell bills of exchange to private parties at a small premium. Having no charter, no stockholders, no debtors, no property, it could not be unconstitutional. Destitute of all power to work on the fears, hopes, interests of large masses of the people it would be shorn of the influence which made the Bank of the United States so formidable and dangerous. Issuing no paper of its own, it could check the issues of the State banks by refusing to receive their notes unless redeemed in specie.

Important as these measures seemed to the President they found no favor in Congress. One resolution to instruct the Committee of Ways and Means to report a bill reducing the duty on certain articles named was refused consideration. Another to instruct the same committee to inquire into the expediency of removing the duty on imported sugar met a like fate. A third to print the reports of the Committees on Commerce and Manufactures made in 1802, 1803 and 1804 in order to show that the party of Jefferson was not then opposed to tariffs went to the Committee on Library. A fourth to instruct the Committee of Ways and Means to

report a bill reducing duties on imports to a revenue basis, the law to take effect when the national debt was paid, was also refused consideration.

A joint resolution so to amend the Constitution as to provide that no person elected President a second time should again be eligible to that office was refused and never heard of more. When Benton asked leave to introduce a resolution to the effect that the charter of the Bank of the United States ought not to be renewed, the Senate refused without debate.

Defeated in their attempts to break down the tariff and the Bank the supporters of Jackson now turned their attention to what they denounced as the third engine of oppression, the Federal Judiciary. A motion in the House to instruct the Committee on Judiciary to inquire into the expediency of amending the Constitution so that judges of the Supreme and inferior courts should hold their offices for a term of years, was refused consideration by a great majority. But a bill from that committee to repeal the twenty-fifth section of the Judiciary Act of 1789 received very serious consideration from the friends of State sovereignty.

This section provides that certain cases may be taken on appeal from the State courts to the Supreme Court, by writ of error.

The report of the majority set forth that by the twenty-fifth section Congress had authorized a direct appeal from a State court to the Supreme Court of the United States, and that in so doing it had gone beyond its powers, because the Constitution allowed no appeal to the Supreme Court save from such inferior courts as Congress might from time to time ordain and establish. The Supreme Court, said the majority, acting under this law now claims the right to pronounce political judgments, and to carry them into effect by coercing sovereign States. That the Constitution does not bestow on the Federal Judiciary power over the judiciary of the States by any express grant is certain, for the State courts are not once mentioned in the instrument. That it was intended to give to the Federal courts, by implication, a power to nullify the legislation of the States and the judg-

ments and decisions of their courts on such legislation, can not be believed. That the Federal courts should control the decisions of the State courts by appeal is no more necessary to the harmonious action of the Federal and State governments, than that Congress should control the legislatures of the States, or the President the actions of the governors. Had the framers of the Constitution thought an appeal necessary they would have said so, and their failure to provide for an appeal is proof positive that the power of the United States is vested in two tribunals; in one Supreme Court and in such inferior courts as Congress shall from time to time see fit to establish. The Supreme Court has original jurisdiction in two classes of cases and in no others; in cases affecting ambassadors or other public ministers, and consuls, and cases in which a State shall be a party. But the only time a State may be a party is when the controversy is between two or more States, or between a State, or its citizens, and foreign States. In all cases "before mentioned," says the Constitution, the Supreme Court shall have appellate jurisdiction.

But what courts have original jurisdiction in these "before-mentioned" cases? The answer is plain. They are "such inferior courts as Congress shall from time to time ordain and establish." Is a State court such an "inferior court"? No! because the Constitution says these inferior courts must be ordained and established by Congress, and must have judges appointed by the President with the consent of the Senate. Not one of these requisites characterize State courts or judges. We are told by the advocates of appeal that the right is claimed on the ground that the cases arise under the laws, treaties and Constitution of the United States, and not because a State court is an inferior tribunal. Admit the right of the Federal court to issue a mandatory process to the legislative, executive and judicial authorities of a State, and the duty of these officers to obey follows of necessity. The Federal court may then stop State legislation by injunction, sequester State treasuries, and imprison State governors, judges, nay, even legislatures in a body. The power to take a case after judgment from a State court

and remove it for final determination to the Supreme Court of the United States, is a far greater outrage on the fundamental principles of liberty than was the odious writ of *quo warranto* as used by a tyrannical English king to destroy the rights of corporations.

The judicial power of the United States, said the minority report, extends in express terms to "all cases" arising under the Constitution, the acts of Congress and the treaties. But how could this power be brought into action without an act of Congress giving both original and appellate jurisdiction to the Supreme Court? Congress well knew that the State courts would often be called on, in the trial of cases, to explain the meaning of the Constitution, the treaties and the laws of the United States. If the decisions of the State courts were to be final, the supreme law of the land might be held to mean one thing in one State and something else in another. All uniformity would be destroyed, and the very life of the Union would be put in danger. Suppose the legislature of one of the States, believing the tariff laws to be unconstitutional, should determine that they shall not be executed within her limits. A law is accordingly passed laying severe penalties on the collector if he should collect the duties on imported goods. But the official disregards the law, collects the duties, and is tried and punished by a State court. Repeal this section and sentence is final and any State may nullify any act of Congress she thinks unconstitutional. The Governor of a certain State has declared it to be his opinion that land belonging to the United States within the State he governs is the property of the State by virtue of her sovereign authority. Suppose the legislature holding the same view enacts a law for the punishment of our officers who sell any of this land in question. Will not the title of the United States to a vast domain be nullified? Suppose the legislature of Pennsylvania, deeming the Bank unconstitutional, inflicts penalties on its officers for making discounts and receiving deposits, and that the courts carry the law into effect. Without the twenty-fifth section there would be no appeal, and the legislature and the courts of a single State could ruin an institution cre-

ated under the Constitution and the laws of the United States.

This argument prevailed and the bill repealing the twenty-fifth section was rejected by a vote of 137 to 51. All but six of the fifty-one came from States south of the Potomac and Ohio Rivers. Thirty affirmative votes were given by delegates from Virginia, South Carolina, Georgia, Kentucky, and Tennessee. Those from Georgia to a man voted yea.

The suggestion in the message that some provision should be made for the distribution of the surplus sure to exist when the national debt was paid, was disproved of in a report from a select committee. Jackson had recommended that each State should use its share for purposes of internal improvements. The committee therefore discussed the question under two heads; did the Constitution give Congress power to prosecute works of internal improvement; and did it have authority to distribute the surplus among the States to be applied by them to the construction of roads, canals and other improvements?

Attempts, it was said, had been made to exercise the power of the Federal Government, for such purposes, in three ways. By actually constructing the works within the limits of the States; by voting money in aid of such works when undertaken by the States; and by subscribing to the stock of private corporations. Power to aid in either of these ways was not given directly. If it existed at all it must be incidentally; but a construction of the Constitution so broad as to deduce this power, even incidentally, would tend to consolidate all power in a government intended to be one of limited and specific powers. To guard against assumptions of authority which encroach on the reserved sovereignties of the States, and therefore tend to consolidation, was the duty of all true friends of the Republic. Who could doubt that, if all the incidental and constructive powers which had been claimed at different times had been assumed and exercised, the whole character of our government would have been radically changed. Yet each, considered by itself, did not seem to portend such consequences. The reasoning by which the passage of the Alien and Sedition Laws was de-

fended was substantially that used to justify internal improvements at Federal expense. This usurpation of power in 1798 shocked and aroused the people because it affected liberty of the person, freedom of speech and of the press, and its advocates were hurled from power. That the proposition to build roads and canals, with the money of the people, within the territorial jurisdiction of the States, does not arouse a like sentiment is not because the powers claimed in the two cases are of different origin, but because in the latter case the usurpation is sweetened by addressing itself to the selfish interests of sections.

On the second point the committee held that power to lay taxes, duties, imports and excise was conferred, not for the purpose of raising money that it might be given back to the States, but for the uses enumerated in the Constitution. After the debt was paid taxes should be so reduced that there would be no surplus and no need of distribution.

The message of the President and the proceedings of Congress were most disheartening to the State rights party. During the memorable canvass of last summer in favor of a convention, said a nullifier in a letter to a South Carolina newspaper, we were admonished not to be rash, not to take the remedy into our own hands. The good feeling of General Jackson toward the South, the firmness of his friendship, the independence of his course, his desire for reform, the weight of his popularity, and a returning sense of justice in the majority of Congress, we were told, admonished us to wait the issue of another session. That session has just ended and what has been gained? With the message which opened the session all hope of aid from General Jackson fell to the ground, and the proceedings of Congress furnish abundant testimony that reliance, either on the justice of that body, or the reforming spirit of the times, is utterly fallacious. All the great outworks of the usurpations of the general government have been attacked with zeal and vigor, with a hardihood and courage, a spirit and persistence, not surpassed in the annals of parliamentary history. Driven from the ramparts the friends of liberty, the Constitution and the Union, have rallied and returned to the attack with

renewed energy. Repulsed at one point they have concentrated on another till, beaten, baffled, broken and utterly routed, they have been forced to retire dispirited from the field of battle.

The first attack, the writer went on to say, was on the Bank of the United States; but Hayne's motion in the House and Benton's in the Senate were indignantly rejected and the Bank stands as secure as it ever did, and is hard at work circulating McDuffie's reports, procuring pamphlets and reviews to be written, succoring distressed States, and browbeating refractory ones, all for the purpose of sustaining itself through the approaching ordeal of 1832.

The next attack was on the tariff according to the plan so much vaunted last summer, the plan of cutting it up in detail. But the House would not so much as consider the motions of Hayne and Berringer. The veto of General Jackson has indeed given a check to the progress of that gangrene on the body politic—internal improvements. Nevertheless the immense sum of twelve hundred thousand dollars was appropriated for beacons, buoys and public improvements, out of which South Carolina is to receive twenty-five hundred dollars.

The Federal Judiciary, the tremendous engine of Federal power, was finally attacked by the friends of the Constitution. But the bill to repeal the twenty-fifth section, the first and most dangerous inroad on the Constitution, supported by a report as conclusive as was ever laid before a deliberative body, was promptly and indignantly rejected. Thus is it, that the Bank, the tariff, the judiciary, engines of oppression which are crushing to the earth the people of the South, stand secure in their strength and defy our puny efforts to check them. Has not the time arrived for the union of all parties in the State for the defence of their rights? *

Appeals of this sort served their purpose, but it was not on them alone that the nullifiers depended to carry to the people the conviction that the time for resistance was at

* Southern Times, March 15, 1831. Niles's Register, April 9, 1831, pp. 104–106.

hand. Dinners to public men were another means, and a number of such now followed each other in quick succession. In April Senators Hayne and Miller dined Governor Hamilton at Columbia, and drank to such toasts as: "The tariff; a thing too detestable to have been contrived except by Yankees; to be enforced except by Kentuckians; or to be endured except by 'the submission men' of the South;" "State Rights—The right to resist oppression at home or abroad, the legitimate rights of a State to resist the usurpations of the general government in all infractions of the Constitution;" "Unauthorized taxation—Freemen can as little brook it in sister States as in a mother kingdom." "State rights and State remedies—It is idle to talk of one without the other. If a State has any sovereign right it must necessarily have a sovereign remedy; for the right and remedy must be of the same character. If the right is legal, the remedy is legal. If the right is sovereign, the remedy is sovereign. To say that a sovereign right is to be asserted in a court of law, is of all absurdities the most preposterous." *

A month later McDuffie was dined at Charleston and spoke for three hours on the tariff. On this occasion one toast was, "The general government—Not for what it is—the parent of oppression; but for what it ought to be—the preserver of liberty." Another was, "Nullification—The only rightful remedy of an injured State. In itself, peaceful and constitutional. It can never lead to disunion or civil war, unless an unjust government should grow so bold in usurpation, as to seal its tyranny with blood." A third reads, "The reserved rights of the States—Valueless unless they include 'the mode and measure of redress' as well as the right to judge of their infraction." † But nothing in the toasts approached in violence the language of McDuffie. "We hear our oppressors," said he, "and not infrequently our own citizens, very gravely talking about the treason and rebellion of resisting the unconstitutional acts of Congress, by in-

* Niles's Register, May 15, 1831, pp. 190–191.
† Ibid., June 4, 1831, p. 236.

terposing the sovereign power of the State, precisely as the English oppressors of our ancestors, and the Tories of that day. talked about the treason and rebellion of resisting their sovereign lord, the King. But thanks to our illustrious and heroic ancestors the States are no longer Colonies. . . . Those who dare not openly vindicate tyranny and justify oppression, exclaim in the most pathetic agonies, 'the Union! the Union! the Union is in danger!' The Union, such as the majority have made it, is a foul monster, which those who worship, after seeing its deformity, are worthy of their chains. . . . But disunion is not the worst of the spectral dangers that have been conjured up by our adversaries. Frightful pictures of war and blood are presented to alarm the timid, and it is with deep mortification that I acknowledge that many have been imposed upon by so shallow an artifice. . . . Shall we be terrified by mere phantoms of blood, when our ancestors for less cause, encountered the dreadful reality? Great God! are we the descendants of those ancestors? Are we freemen, are we men, grown men, to be frightened from the discharge of our most sacred duty, and the vindication of our most sacred rights, by the mere nursery stories of raw heads and bloody bones!"

As the Fourth of July drew near, some prominent Unionists, "submission men," as they were contemptuously called, held a meeting in Charleston, decided to celebrate the day in such a manner as to show their love for the Union and their hatred of nullification, and invited Colonel Drayton to be the orator. When the States rights people heard of this, they too met, passed resolutions, and invited General Hayne to address them on Independence Day. Party feeling now ran so high that it was feared the two factions might come to blows. But nothing of the sort happened; and when the day came the men of Charleston, gathered into bands of Unionists and Nullifiers, marched with banners, flags and music, through the streets, the one to the First Presbyterian Church, the other to the Circular Church, and there sang odes and listened to speeches.

As no halls were large enough to hold all the men who subscribed to the dinners, each party put up a great booth

for the occasion, adorned it with bows of palmetto and hickory, with transparencies, mottoes, inscriptions, and with shields bearing the names of great men, and in these rude structures the diners, in toasts and speeches, gave vent to the feelings which excited them. The honors of the day, however, were carried off by the Unionists. Their committee had invited Jackson to be present. To come was impossible; but he sent a letter which, in the opinion of those who heard it read at the dinner, left no doubt which side Andrew Jackson supported. "Every enlightened citizen," he wrote, "must know that a separation, could it be effected, would begin with civil discord, and end in colonial dependence on a foreign power, and obliteration from the list of nations. But he should see also that high and sacred duties which must and will at all hazards be performed, present an insuperable barrier to the success of any plan of disorganization, by whatever patriotic name it may be decorated, or whatever high feelings may be arrayed for its support."

In order that all present might know the sentiments of the President, the letter was read at four different places in the booth; and for the benefit of those not present, it was made public the next day by the city press. As the nullifiers read the words just quoted their wrath flamed high and Jackson was henceforth counted their enemy. He had affronted the State, insulted her citizens, and uttered a threat; he had attempted to give supremacy to one of two contending political parties; and when the legislature assembled in December his letter was the subject of comment by the Governor in his message, and of long reports by committees of the Senate and the House. The President's letter, said the Senate committee, contains a plain and positive threat of military coercion against the State of South Carolina because her citizens are seriously, but peaceably, contending against an unconstitutional impost fatal to their prosperity. That the Federal Executive is bound to execute the laws of the land is not denied. But in the performance of that high duty military force can not be used till the laws shall be opposed by combinations too powerful to be put down by ordinary judicial procedure. Over the militia the Constitution gives

him no control. Even if a State, thinking its sovereignty infringed, should resort to resistance, Congress itself has not authority to interpose the force of the Union and plunge the country into civil war. By what part of the Constitution is Congress permitted to make war on a sovereign State which refuses to obey a law passed on dubious and disputed authority? No, a convention of States is the plain and constitutional method of deciding the dispute. The general government is the agent of the States, not a party to the compact. The idea of the agent coercing the parties to the compact by physical power is based on the dangerous and alarming assumption that Congress is a judge of its own powers.

The House Committee on Federal Relations reported, that language fit for the occasion and not beneath the dignity of the House could scarcely be found. Is this Legislature, exclaimed the writer of the report, to be schooled and rated by the President of the United States? Is it to legislate under the suspended sword of the commander-in-chief? The executive of a most limited government, the agent of an agency, the part of a creature of the States, undertakes to mark out a line of conduct for a free and sovereign State, under a threat of pains and penalties! This is a confederacy of sovereign States, and each may withdraw from the confederacy whenever it thinks fit. No one denies that the President has the right, and is in duty bound, to execute the laws of the United States. But when it is the deliberate judgment of a sovereign State that an act of Congress violates the Constitution and is not law, that judgment is supreme and any attempt by the Executive, or by all the departments of the government combined, to execute that law, is, by the law of tyrants, the use of brute force. The letter of the President was therefore an unauthorized interference with the affairs of the State; the principles advanced in it were repugnant to the Constitution; and the threat was dangerous as a precedent and highly repulsive to the feelings of a free people.

Outside of South Carolina opinions of this sort found little support. The Governor of North Carolina in his mes-

sage gave it as his opinion that the time had not yet come for the acceptance of doctrines subversive of all order and tending to weaken, if not ruin, our whole system of government. The Governor of Alabama in his inaugural speech after a long review of the subject declared that he was sure the Constitution did not authorize the power contended for. If one State were allowed to nullify an act of Congress, others would follow the example; acts of nullification would be frequent, and the Constitution, after dragging out a sickly existence for a few years, would surely perish. The Governor of Virginia in his message denounced the frequent passage of unconstitutional acts, cried out against the utter disregard of the rights of the States, and the neglect of the petitions, memorials and protests from the South, and denied that the States can not interpose to arrest unconstitutional legislation. But he left the adoption of such measures as might be necessary to guard against the evils of a system at once unjust, oppressive, and ruinous, to the people and their representatives. When the legislature of Tennessee assembled the House called on the Senators and Representatives to use their best endeavors to procure such a revision of the tariff as, when the national debt was paid, would reduce it to the point of providing the necessary revenue. Everywhere the signs of the times pointed unmistakably to the tariff as the chief issue of the hour.

CHAPTER LVI.

SOCIAL CONDITIONS.

JUNE first, 1830, had been fixed by law for the taking of the fifth census of the population, and on that day accordingly the enumerators began their work. When the returns were all in, it appeared that the number of people was more than 12,800,000,* and that the increase in population since 1820 was greater than three and a quarter millions.

The northern frontier ran across central Maine, along the international boundary from New Hampshire to Detroit; across northern Indiana and Illinois, and down the west bank of the Mississippi to the Gulf. Three bands of population had pushed up the valleys of the Missouri, the Arkansas, and the Red Rivers to the Indian Country. Choctaw and Chickasaw Indians held all northern Mississippi, as did the Creeks eastern Alabama, and the Cherokees northwestern Georgia. Large areas of unsettled country appeared in southern Georgia. The whole peninsula of Florida was practically a wilderness, as were large tracts in the mountains of Virginia, northern Pennsylvania, and the Adirondack region in New York.

The great westward moving wave of population had been checked. The steamboat, better means of communication, better times, the rise of new industries, had done much to retard migration, and population had become more stable. During the decade, 1810 to 1820, the percentage of increase of population, as compared with the previous census period, fell in every seaboard State from Maine to Louisiana save

* 12,866,020.

Connecticut and South Carolina. But in the decade, 1820 to 1830, the percentage increased in twelve States on the seaboard and fell in six. A little less than five millions and a quarter of the population were free white females; a little more than five and a quarter millions were free white males, and a trifle more than two millions were slaves, some of whom lived in the free States and some in the Territories of Florida, Arkansas and Michigan. Deducting these, the slaves in the slave-holding States now numbered nineteen hundred thousand, and gave twenty-three representatives to the delegation from their States, and twenty-three members to the electoral colleges.

In the South the condition of the slave laborer had become a source of greater anxiety than ever. The abolitionists were at work with renewed energy, and from one of them, David Walker, had come a pamphlet which excited the slave owners, caused new legislation against the free negro, and added a new crime to the statute books. Walker was the son of a free negress by a slave, and following the condition of the mother was a freeman. He was born in North Carolina, had acquired sufficient education to read and write, and had opened a second-hand clothing store in Boston. The degradation and suffering of his race inspired him to write, and in 1829 he published and circulated among the blacks as fully as his means would permit a little pamphlet entitled Walker's Appeal.*

The appeal was in the form of four articles called "Our wretchedness in consequence of slavery," "Our wretchedness in consequence of ignorance," "Our wretchedness in consequence of the preachers of the religion of Jesus Christ," and "Our wretchedness in consequence of the colonization plan," and was circulated through the mail at the expense of the author. Fifty copies found their way to Savannah, and into the hands of the mayor, who at once wrote to Mayor Otis of Boston. Mr. Otis replied that the pamphlet was written

* Walker's Appeal, in four articles, together with a Preamble to the Colored Citizens of the World, but in particular, and very expressly, to those of the United States of America. Written in Boston in the State of Massachusetts, September 26, 1829, Boston. Published by David Walker, 1829.

by a free black man, whose true name it bore; that it was not circulated in Boston; that the city authorities would gladly use every lawful means to prevent this attempt to throw firebrands into the South; that they regarded the sentiments of the pamphlet with deep abhorrence; that they could not prevent its circulation by mail, but would publish a general warning to captains and others not to expose themselves to the consequences of carrying incendiary writings into the Southern States. The mayor of Savannah now sent a copy of the pamphlet to the governor, who at once transmitted it to the legislature.* His message was received on the last day of the session, but ere the legislature adjourned a bill was framed, passed and ready for his signature. By this new law a quarantine of forty days was imposed on vessels having free negroes on board, all intercourse with such vessels by free negroes or slaves was forbidden, the introduction of slaves into Georgia for sale was prohibited, and the circulation of pamphlets of evil tendency among domestics was made a capital crime, and the teaching of free negroes or slaves to read or write a penal offense.†

A copy was next found in Richmond in the house of a free negro after his death, and promptly delivered to the mayor, who passed it on to the governor, who sent it to the legislature.‡ He would, he said, have taken no notice of the pamphlet, were it not that there seemed to be on foot a deliberate attempt to circulate the Appeal secretly among the negroes.

When this proceeding became known to Mayor Otis he wrote to Governor Giles of Virginia, enclosed his reply to the mayor of Savannah, assured the governor that the people, both white and black, in Boston, detested the sentiments of Walker, and that the insignificance of the writer, the extravagance of his sanguinary fanaticism and the small circulation of the pamphlet made the matter hardly worthy of serious consideration.§ Neither the governor nor the legislature shared in this opinion. To them it seemed a very serious

* Richmond Enquirer, January 28, 1830.

† Laws of Georgia.

‡ National Intelligencer, January 7, 1830.

§ Otis to Governor Giles, February 10, 1830.

matter, and at a secret session of the House of Deputies a bill was passed which made it a misdemeanor to teach or permit free negroes, slaves or mulattoes to be taught to read or write, and prescribed fine, imprisonment, flogging or death for any white person, free negro, slave or mulatto who should print, write or circulate among slaves, free negroes, or mulattoes any paper, book or pamphlet tending to incite insurrection or rebellion. The Senate rejected the bill.*

The Appeal was next seen in New Orleans, where two free negroes and a slave in whose possession copies were found were arrested. There, too, the matter was laid before the legislature, which enacted a law forbidding free negroes to enter the State of Louisiana, and commanding all who had come in since 1825 to leave within sixty days.†

A third and revised edition had by this time come from the press, and in this Walker distinctly favored an insurrection of the slaves as soon as practicable, and dwelt at length on the great numbers and bravery of the blacks. Had the Appeal continued to be circulated more and more widely, consequences of the most serious kind might have followed. But in June of 1830 Walker died, and in a few months his Appeal took its place among the rarest of anti-slavery pamphlets. During the summer some copies were detected in the hands of negroes in Tarborough, North Carolina.

Before the excitement caused by Walker began to subside, the first number of the Liberator, the most powerful of all anti-slavery publications, was issued at Boston. In the autumn of 1829 Garrison joined Lundy in Baltimore, and the two resumed the publication of the Genius of Universal Emancipation.‡ But in March of 1830 the Genius ceased to appear; the partnership ended; and Garrison was soon after cast into prison for libel. In June he was released, and hastened to Massachusetts in search of funds with which to reestablish the weekly Genius, and failing in this, issued a proposal for the publication at Washington of a weekly news-

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* National Intelligencer, April 9, 1830.

† The Bill is in Niles's Register, March 27, 1830, pp. 87, 88.

‡ History of the People of the United States, Vol. V, p. 211.

paper to be called the Public Liberator and Journal of the Times, to be devoted to the abolition of slavery and the moral and intellectual elevation of the negro. Lundy meanwhile moved the Genius to Washington, whereupon Garrison selected Boston as the place of publication, named his periodical The Liberator, and on New Year's Day, 1831, issued the first number.

For a few weeks the anti-slavery press received the new paper with some favor, the anti-slavery people with indifference, and the free negroes with hearty support and subscriptions. In the South it was attacked from the start, and after the adoption of the illustrated head-piece was denounced as incendiary, and regarded as one of the chief causes of the Southampton Massacre.

The leader of the insurrection was Nat Turner, a slave living in Southampton County, Virginia. Turner could read and write, and was known in the neighborhood as a preacher with no small influence over the blacks. What first inspired his act, what means he used to incite the slaves, are not definitely known; but on the night of August twenty-second, 1831, just before the break of day, Turner, with twenty or thirty followers, began an attack on the whites living near Cross Keys. The house of a widow was first visited, and the family of five whites murdered. A neighbor hearing screams hurried to the scene to find all five dead, and on his way home was met by his negro boy, who told him that his own wife and child had been butchered. The family of Turner's master furnished the next victims, and ere the day closed fifty-five persons—men, women, and children—had been killed.

Messengers meantime were speeding in every direction in search of aid, and troops were soon hurrying to the scene from Murfreesborough, in North Carolina, from Norfolk, from Fortress Monroe, from the United States ships of war Warren and Natchez, and from Richmond. Some show of resistance was made by negroes to the number of two hundred, but they were quickly surrounded and shot down or captured. A few found refuge in the Dismal Swamp, and for a while Nat Turner escaped the vigilance of the troops.

But he, too, was taken and executed. A hundred are said to have been shot and nineteen executed.

How far-reaching the insurrection might be no one knew, and in the excited state of the people new plots and conspiracies were believed to exist in North Carolina. According to one rumor, credited for a while, Wilmington was burnt, half its inhabitants killed, and the negroes of several counties were on the march for Raleigh.* The wildest excitement prevailed. The people of Fayetteville and Raleigh flew to arms; troops were hurried to Newburne. Scores of free negroes were arrested, examined and many ordered to leave the State, and numbers of slaves were executed or sold and sent South.

Plots that did not exist were next discovered in Delaware, and the people of the eastern shore of Maryland and the lower part of Delaware were so alarmed that expresses were sent off for arms, and negroes arrested and examined. Not the least foundation existed for the rumor.

With the recollection of Walker's Appeal still fresh in mind it is not surprising that pro-slavery men and newspapers found the cause of Nat Turner's insurrection in the Appeal and the Liberator. Not the slightest evidence existed that Turner or any of his followers ever saw a copy of these publications. This made no difference, and Garrison and the Liberator were now assailed from all quarters. His life was threatened, his newspaper denounced as an incendiary publication intended to incite the slaves to rebellion and circulated by secret agents disguised as peddlers. The National Intelligencer called on the people of Boston to stop the publication of such "diabolical papers." The Corporation of Georgetown, in the District of Columbia, enacted an ordinance forbidding a free negro to take a copy of the Liberator from the post-office, under penalty of twenty-five lashes and imprisonment, and possible sale into temporary slavery. A meeting of "gentlemen of the first respectability" at Columbia, South Carolina, formed a Vigilance Association, and offered fifteen hundred dollars for the convic-

* Authentic and Impartial Narrative of the Tragical Scenes Which Were Witnessed in Southampton County, Va., on Monday, the 22d of August last, 1831 (N. Y.).

tion of any white person found circulating the Liberator, Walker's Appeal, or any other publication of seditious tendency.* A copy of the Liberator just at this time reached the post-office at Raleigh, and the Grand Jury being in session, the attorney-general presented an indictment against Garrison for the "circulation and publication of the Liberator in the county in contravention to the act of the last General Assembly," and the Jury returned a true bill.

Next to join in the attack was Georgia, where, as the year drew to a close, a law was enacted offering five thousand dollars for the arrest, trial and conviction under the laws of the State of the editor and publisher of the Liberator, or of any person who should circulate it, or any "other paper, circular, pamphlet, letter, or address of a seditious character."†

Governor Hamilton, of South Carolina, having secured some copies of the Liberator and of an address to the Free People of Color, delivered by Garrison in June, sent them with a special message to the legislature, declared that he agreed with the governor of Virginia that Nat Turner's insurrection had been caused by incendiary publications put forth in the non-slave-holding States, and asked for authority to request the Governor of Massachusetts to bring this wrong to the attention of the legislature.

The Governor of Virginia told the legislature that there was much reason to believe that the insurrection in Southampton, and the plots discovered elsewhere had been "designed, planned and matured by unrestrained fanatics in some of the neighboring States, who find facilities in distributing their views and plans amongst our population, either through the post-office, or by agents sent for that purpost throughout our territory," and asked for a revision of the laws, "intended to preserve in due subordination the slave population of our State." Before adjourning the legislature enacted a law providing for the removal of free negroes. No coercion was to be used, save in the case of those who remained contrary to the act of 1806.

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* United States Gazette, October 12, 1831. Charleston Mercury, October 4, 1831.

† Laws of Georgia, 1831, p. 255. Act approved December 25, 1831.

A petition from a Society of Friends, praying for general emancipation, brought on a debate in which abolition by some means was strongly advocated. The petition having been referred to a special committee, a leader of the pro-slavery side moved that it be instructed to report that it was not expedient to legislate further on the subject of emancipation. An anti-slavery member then moved to amend and instruct the committee to inquire into the expediency of submitting to popular vote a proposition that children born of female slaves after July Fourth, 1840, should become the property of Virginia, and be hired out till they had earned enough money to remove them from the United States. In the midst of the debate which followed the committee reported that it was inexpedient to make provision for emancipation. An attempt to strike out inexpedient and put in expedient continued the debate for several weeks. Some were for emancipation and removal to Africa of all slaves; some for the removal and colonization of the annual increase, and some for the plan of temporary State ownership. Failure to agree on any one plan caused the defeat of all, and nothing was accomplished.

Alabama bade her governor write to the executives of the States in which incendiary publications had been issued, and ask for their suppression, or at least that they be not sent into the slave States. Refusal to make use of every possible means for their suppression would be "evidence of a spirit hostile to that friendship and good understanding which should characterize sister States."

Delaware forbade free negroes and mulattoes to use firearms, and regulated their meetings for public worship. Nor was the treatment of the free negro in many of the free States much better. In Boston no merchant or mechanic could take a negro apprentice without risk of ostracism. Public conveyances were shut to negroes and the proprietors of any stage-coach, packet, or steamboat was expected, on the objection of a white passenger, to exclude blacks. All churches had negro pews, in a remote corner. In the Baptist church at Hartford these pews were boarded up in front. In the Park Street Church on one occasion the negro owner of a pew in the body of the church was deprived of his seat, and

when he resisted the deacons, with the aid of the constable, took possession and let it. In Stonington the floor was cut out of a negro's pew by order of the church authorities. An attempt to found a negro manual training school or college at New Haven threw the town into violent excitement.

The idea of an institution where negroes should be instructed in agriculture, the mechanical arts, science and letters had long been entertained by the Rev. Simeon Jocelyn, of New Haven, and that great friend of the black man, Arthur Tappan. A site had been purchased by Mr. Tappan, and a thousand dollars subscribed as part of ten thousand to be raised by the whites. In hopes of securing another ten thousand from the blacks, Garrison was sent to plead the cause of the school before the First Annual Convention of the Colored People of the United States, held in Philadelphia in June. A committee, to which was referred the whole question of the betterment of free people of color, reported as among the most efficient means the establishment of a manual labor college. The report was adopted, and an agent appointed to solicit subscriptions for a college at New Haven.

Here, in the opinion of the town authorities, was an attempt on the part of the blacks to assert their equality with the whites. This must be put down, and to put it down a town meeting was warned, and held one day in September, and resolutions adopted which set forth that the "propagation of sentiments favorable to the immediate emancipation of slaves," and "as auxiliary thereto" the founding of colleges for the education of negroes, was an unwarrantable and dangerous interference with the internal concerns of the slave-holding States, and ought to be discouraged; that Yale College, the institutions for the education of women and the other schools already in New Haven were important to the community; that the establishment of a negro college would be dangerous to the prosperity, if not the existence, of these institutions, and that they would resist its establishment in New Haven by every lawful means in their power.*

* New England Palladium, September, 1831.

The agent of the convention denied that the proposed college was an abolition movement, or in any way connected with emancipation; reminded the people of New Haven that they could not lawfully prevent its establishment at that place, but promised, in the interests of peace and good order, to change the subscription book so that it should read, "New Haven, or elsewhere."* The college was not founded.

Opposition of this sort was by no means peculiar to New Haven. Elsewhere popular feeling and prejudice ran quite as high. In 1832 Miss Prudence Crandall, proprietor of a school for young women at Canterbury, Connecticut, admitted a negress as a scholar. Residents of the town at once remonstrated, assured her that she had given great offence, and that unless the negress was turned out, the school would not be sustained. Miss Crandall stood firm; replied that if it could not be sustained it might sink, and when her white scholars began to leave, decided to replace them with women of color.

Garrison was first consulted, and having approved, it was announced in the Liberator that a high school "for young colored ladies and misses" would be opened at Canterbury. Town meetings, meantime, had been held, and a resolution pledging the town to oppose the school at all hazards unanimously passed; but the threat was unheeded. Some pupils came, and then the struggle began in earnest. The Vagrant Act was enforced, but the friends of Miss Crandall came to her aid and gave bonds that the newcomers should not be a charge on the town. Recourse was then had to the legislature, which promptly enacted a law providing heavy fines for anybody who, without consent in writing of a majority of the civil authorities and selectmen, should keep a school for negro non-residents of the State, and authorizing the removal of any colored person, not an inhabitant, who should reside in any town for the purpose of attending such an institution.

Under this law Miss Crandall was arrested, imprisoned in the county jail, twice brought to trial, and finally convicted, and her case taken on appeal to the Supreme Court

* Daily American Advertiser, September, 1831.

of Errors, where she won on a technicality. The village shopkeepers refused to sell her food; physicians would not attend her pupils; the meeting-house was closed to her; manure was thrown into the well; her house was pelted with rotten eggs, and at last demolished. The attempt to continue the school was then abandoned.

The ranks of free labor during the decade had been largely increased by the arrival each year of thousands of emigrants from the British Isles and Europe. A law enacted in 1819 required collectors of customs to report to the Secretary of State four times a year the number, age, sex, and occupation of passengers arriving by sea within their districts, and from what countries the emigrants came. But the law was poorly enforced, the work badly done, and the returns afford little information that can be considered as reliable.

Numbers who came from Great Britain to New York passed thence to Canada, rather than go by way of the St. Lawrence. Thousands who went to Canada did not intend to remain there, but came at once to northern New York, or to the West, and of these we have no statistics. Nor are the statistics concerning the arrivals at New York city of much value. British officials return the number of emigrants who sailed from Great Britain for our country in 1829 as 15,678; yet the number from all countries reported by our officials to the State Department was but 15,285. In 1830 the collectors of customs returned 9,466 immigrants, though 30,224 are known to have landed at New York. During the six years, 1825 to 1830, reports to the Secretary of State give the total of arrivals as 87,140, though the British officials report 80,522 as sailing for our country. This leaves but 6,618 as the number from France, Spain, Germany, the West Indies, Switzerland, and the rest of Europe, from which the emigration was very heavy.

Imperfect as are the returns, they serve well enough to set forth the fact that England, Ireland, Scotland, and the countries of the Continent were pouring upon our shores each year thousands of immigrants eager to begin life anew in the land of liberty. Many of the British had been assisted by

their parishes, and not a few were the lame, the halt, the blind, and paupers. In the spring of 1830, James Silcox returned from Canada, where he had resided two years, to the parish of Corseley, near Warminster, in Wilts. He was a dissenting preacher, and as such had frequent opportunities of holding forth on the vast difference between the conditions of the laborer in Great Britain and America. As he announced his intention to return at once, numbers of his listeners decided to go back with him. Some who had a bit of property sold it to pay the expenses of the voyage. Others resorted to the parish and begged for help to remove from a place where they could not make a living, and were often a burden on their neighbors, to a land where the industrious were sure of independence. Thus beset, the parish officers consented, sold two houses belonging to the parish, raised a few hundred pounds by subscription, and sixty-five came back with Silcox. Some of them went to upper Canada. A few settled in our country, and wrote home urging friends to follow their example.* The cost of an eight weeks' voyage is given as six pounds per head, and the country described as all that man could desire. A Westbury weaver, writing from Philadelphia, declares he had no trouble in finding work, that there are hundreds of cotton and woollen mills in the city, that weavers were in demand, that the days are clear for weeks together, that meat costs but twopence ha'penny a pound, gin but threepence a pint, and that "there is no complaining in our streets." Another, seven miles from Hudson, comments on the puddings, pies, preserves, pickles, and fruit in season that load the farmers' tables, and remarks that servants sit down at the same boards with their masters. "They do not think of locking the doors in this country, and you can gather peaches, apples and all kinds of fruit by the side of the roads." "And as for the bullocks' heads, sheep and lambs, they are thrown away; no one will eat them." "There is a great many ill-conveniences here," another wrote from Germantown, "but

* Extracts of letters from poor persons who emigrated last year to Canada and the United States, printed for the information of the laboring poor and their friends in this country, by G. Poulett Scrape, Esq., F. R. S., G. S., etc., London, 1831.

no empty bellies. Farmers now work from sunrise to sunset, all the year round; they get from ten to twelve dollars per month, and their board, or three-fourths of a dollar per day. A man or woman need not stay out of employment one hour here. No war nor insurrection here, but all is plenty and peace."

These alluring pictures of a land where work was plenty, where wages were high, where food was cheap and good, and tithes unknown, awakened such interest that even the terrors of the ocean and the horrors of an emigrant ship were overcome, and the next year many more poor laborers set out from the parishes of Westbury, Frowe, and Warminster to find a home in our country.

The eagerness of the poor to emigrate is well illustrated by two incidents which are but specimens of many. A ship captain about to sail for America advertised in the Manchester Times,* that on a certain day he would be at an inn in Deansgate to contract with such as were disposed to go to Baltimore. He had expected a dozen, but so many came that the inn and the street before it were filled with persons struggling to be first to speak with him. Not one had the means to pay for the passage, and when informed that none would be taken who had not five pounds, they cried out that they were willing to be bound to service in America till their wages amounted to the cost of conveying them there. Despairing of making them understand, the captain fled to his room, whither the people followed, and were with difficulty persuaded to go home. Between six and seven hundred are said to have been in the crowd.

To obtain in our country hundreds of unskilled laborers for the great works of internal improvements then under way was not always possible. Resort to the Old World was necessary, and contractors on both the Baltimore and Ohio Railroad and the Chesapeake and Ohio Canal on more than one occasion sent agents to Great Britain and imported workmen. Several hundreds secured in this way were brought over in the autumn of 1829, pledged to serve the canal company for

* Manchester Times, September 26, 1830.

twelve dollars a month and their board, and to labor three months without pay as the price of their passage. But no sooner were they landed than hundreds of them deserted, and in their distress sought aid of the British consul and the Society of St. George. When the agent of the canal company was in Liverpool in search of others, a sharper placarded the walls of Birmingham with an advertisement, stating that ten thousand laborers were wanted, and calling on all who were "willing to undertake" to register their names and pay a guinea. Several hundred did so, and were sent to Liverpool before the fraud was discovered.

To the industrious immigrant, even when assisted by the parish, no reasonable objection could be made. But complaint had long been current that paupers, the crippled, the lame, and the diseased were "being dumped on our shores," and that vessels trading in certain of the West Indies were forced to bring them. In 1828 the health officer of Baltimore, in his annual report, declared that numbers of persons coming to that city from foreign ports were absolutely destitute. A year later he mentions "some lame, blind, and others in a state of idiocy," and tells of a ship captain who two years before brought over a number of emigrants from England whose passage was paid by the parishes. In 1830 he says the increase every year is remarkable, that the condition of many is deplorable, and that paupers are still brought in great numbers. Of forty-three hundred newcomers examined by him in 1831 a number were "halt, lame, and blind." Vessels, both foreign and American, found it to their advantage to bring a hundred and fifty or more passengers because they were often forced to sail without cargoes, and gladly took paupers of any sort sent off by the parishes. An English newspaper * mentions three families of thirty persons sent to our country by the parish of Conings by, and declares that of seventeen thousand passengers that had sailed for Canada one-half were paupers destined for the United States. The number was greatly exaggerated; but that many came is true. On one occasion the captain of a British ship was applied to by five parishes

* The Kentish Chronicle · National Intelligencer, August 14, 1830.

to take paupers.* The American consul at Jamaica was visited in June, 1831, by the captains and supercargoes of the American ships in port, who complained of a law that compelled the captain of each vessel to carry away one pauper for each hundred tons, or pay a fine of a hundred pounds currency. When such a person wished to leave the island the authorities would select a ship, visit the consignees, and tender ten dollars as passage money. Should it be refused the fine was imposed and collected. How many went off in this way the consul could not say, but the number was large, and as scarcely any foreign vessels other than American traded at Jamaica, almost all of them went to the United States.†

The outcry against this form of assisted emigration was loud and oft repeated. The British, it was said, deluge our cities with paupers, and then disparage our country because we have so many poor in our cities. All such persons, instead of being allowed to eat our bread, should be forced to seat themselves at the doors of the British consuls, and there remain until relieved. This foul business requires a strong corrective. An American vessel would not be allowed to land a cargo of worn-out negroes in England. Nor should we permit the sweepings of her poor-houses to be thrown upon us. In Massachusetts a correction was applied and a law enacted, forbidding an alien to come ashore until the master of the vessel had paid five dollars to the city or town where the emigrants landed. At New York, to which most of the emigrant-laden vessels came, and where as many as five hundred foreigners had arrived in one week, it was found that of twenty-two hundred paupers in the almshouse, a thousand and fifty were recently from the Old World.‡ At Baltimore, out of eleven hundred paupers admitted to the almshouse during 1831, nearly five hundred were foreigners, and of them more than one hundred had not been in the city a week. Alarmed at these figures, the mayor and city council twice besought the assembly to stop this growing

* New York Daily Advertiser: National Intelligencer, August 18, 1830.

† Senate Document, No. 178, 28th Congress, 2d Session.

‡ Niles's Register, January 14, 1832, Vol. XLII., p. 356.

evil, and bitterly complained of the swarms "of foreign beggars of both sexes and all ages who infest our streets." * But the appeal was made in vain. Nor did the New York Legislature give any more heed to an appeal of Governor Marcy. The ills complained of were of recent origin, were confined to the great seaports, and did not interest members from the country districts, who were determined to do nothing which might be considered a restriction on emigration. The thousands who came each year from Great Britain, Germany, Switzerland and France, it was said, were most desirable emigrants. They took up land, they entered the mills and factories, or found employment on the farms, canals, or railroads then under construction in the East, the Middle States, and the West.

The presence in great numbers in the cities and on works of public improvement of men from the Old World was attended with other evils which grew more and more serious in years to come. Change of place had as yet produced no change in character or feeling. The religious bigotry, the race hatreds, the vendettas of the Old World suffered no diminution by reason of removal to the New. Though the newcomers speedily became naturalized, they did not by any means become Americanized. Our institutions they did not understand. Concerning our history and traditions they were totally ignorant. The Declaration and the Constitution, the Fourth of July and the twenty-second of February, Bunker Hill and Saratoga, Yorktown and New Orleans, were instruments, days, and events of which they knew nothing, and for which they cared nothing. They spoke their own language, celebrated their own events and days, paraded under their own flags, and looked upon their new home as "the land of liberty," understanding by liberty the right to do as they pleased. In the wild scenes of turbulence, lawlessness, mob rule and riot that disgraced our countrymen for thirty years to come, the naturalized citizen, the "patented citizen," as he was called, was always conspicuous.

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* Memorial of the Mayor and City Council of Baltimore, Niles's Register, February 9, 1833.

Under these circumstances it was but natural that a spirit of native Americanism should be abroad in the land and should find expression in angry or contemptuous criticism. When we look at the population in some parts of our country and see mingled with it the dregs of all nations, the grumblers would say; when we are told that half a million Irishmen have left their own country to live in ours, when we behold them linked together by the Church and their love of Erin, we are moved to declare that the character of our country is degraded by the connection, the morals of our people injured by the contact, and our liberties and our government threatened by the admission of a population without education and without attachment to the country they have been forced to adopt. It is time to stop making citizens of the subjects of European governments.*

Political privileges, they would say, belong to natives. Give foreigners civil rights, power to acquire and transmit property, perfect equality before the law, every privilege, in short, a native enjoys save that of voting and being voted for. This sacred privilege should be reserved for sons of the soil.† It is a curse to this country that foreigners are elected to offices of dignity, trust, and profit. Many of them, though legally naturalized, are naturally and morally aliens to our feelings, manners, and institutions. We would have none such in any office above that of door-keeper in a public building.‡

Language of this sort was of itself of small moment; but, unhappily, it expressed the feelings of a large part of the community, and that part, in particular, least disposed to respect the law. The rise of new industries, the building of railroads and canals, the rebuilding and extension of the cities and large towns, had brought together great numbers of workingmen, both natives and foreigners, and had intensified the prejudices of race and religion. With this element, far more disposed in those days to act than to think, the police authorities were utterly unable to cope. The

* Advocate, November, 1827.

† American, November, 1827.

‡ Boston Courier, November 7, 1828.

mayor with his wand of office, the sheriff with the riot act, the constables with their rattles, were no longer able to overawe the disorderly crowds that swarmed in the rapidly growing towns and cities. Riots and mobs had always existed to some extent, but with the opening of the second quarter of the century they grew more and more frequent till they became a characteristic of the time. Almost any cause was sufficient to produce an outbreak. Now it was the houses of "the frail sisterhood"; now the first appearance of Kean at the Park Theatre in New York; the refusal of a few merchants to close their shops at twilight; the unexpected withdrawal of a piece at the Bowery Theatre in New York, because of the sickness of the player; the destruction of a dam, because the mob believed that the impounded waters caused malaria; the presence on the same public work of laborers of different nationalities. When a contractor, building a portion of the Baltimore and Ohio Railroad, absconded, leaving the workmen unpaid, they tore up the tracks in their fury, and were not reduced to order till the militia was called out. When the Gideonites in Philadelphia celebrated the anniversary of the Battle of the Boyne, their appearance on the streets bred a riot of serious proportions. Near New Market, Maryland, the white and colored workmen, laying tracks for the Baltimore and Ohio Railroad, came to blows on the race issue, and fought lustily on two consecutive days. Then the men of New Market and the neighborhood interfered, and carried off a score of ringleaders. Whereupon, the Irishmen, some four hundred in number, threatened the town, demanded the release of their countrymen, and would have wrought untold damage had it not been for the arrival of militia and the influence of a priest.

Outbreaks of this sort, however, were more than offset by the importance of these men to the industrial development of the country. Had it not been for the presence of the imported laborer great works of internal improvement could not have been built, and the early thirties were remarkable for the number of turnpikes, canals, and railroads constructed. During the last decade more than seven hundred miles of canal had been opened to navigation in New York,

Pennsylvania, and Delaware.* More than fourteen hundred miles were nearing completion in New York, New Jersey, Pennsylvania, Maryland, Virginia, and Ohio.† In the North and in the South thousands of men were busy cutting, digging, grading, and preparing the bed for hundreds of miles of railroad.

Concerning the relative merits of canals and railroads as means of transportation the friends of internal improvement were sharply divided. Canals, said one faction, are facts; railroads are theories, and are opposed to the habits and feelings of our people, for they create monopolies in transportation. A farmer cannot own railroad wagons. But for a hundred dollars he can buy a boat, or with the help of his hands can build one to carry twenty-five tons. To move such a load by railroad would require eight carriages and a locomotive, costing four thousand dollars. Into his boat the farmer can put an assorted cargo of flour, bacon, hemp, plank, lumber, and vegetables, draw it to market with his own horses, sell at any village on the way, and bring it back loaded with what he pleases. Does anybody suppose railroads will take on loads offered anywhere along the line? No, indeed! the farmers must haul them to the stopping places. Canals will carry live stock, hay, firewood, large timber for ship-building, boards, and planks. Railroads can not do this. What would be thought of a load of hay coming along a railroad? The sparks from the locomotive would set it afire before the journey began. Canals are adapted for military purposes; railroads are not. Imagine a regiment of troops with baggage, provisions, ammunition, and camp equipage transported by railroad! By canal this can be done, and the soldiers live and cook comfortably on the way. The boat will carry tents, food, baggage, and ammunition, and may be drawn by the horses, or by the men as they walk along the towpath. Canal-boats will carry artillery, which cannot be transported by rail unless the guns are dismounted and the caissons taken apart. Snow will make a three hun-

* Erie, Champlain, Oswego, Seneca, Chesapeake and Delaware, Port Deposit, Little Schuylkill, Conestoga, Schuylkill, and Union Canals.

† Morris, Delaware and Hudson, Chesapeake and Ohio, Ohio State, Miami, Lehigh, Pennsylvania, Ohio and Erie, Delaware.

dred-mile railroad impassable for weeks; rain will wash earth over the rails in quantities which, in deep cuts, will take weeks to remove.* Railroads for long distances are wholly untried in any country, and for short distances are yet in the experimental stage. The longest in existence, the Manchester and Liverpool, is but forty miles in length, passes through the heart of a populous country, and may anywhere get aid to repair cars, wagons, and engine. But that such a road as the Baltimore and Ohio, ten times as long, running through a rough, wild, and sparsely inhabited country, with great difficulties of construction to overcome, should ever compete with a canal of the same length as the Chesapeake and Ohio surpasses probability.

If locomotives were used it would be necessary to have water-boiling stations every six or seven miles to furnish the engines with tanks of boiling water, for a supply of cold water would check the generation of steam and stop the train.

Rails would be broken by passing teamsters wantonly, as they did mile-stones and copings of bridges, or from spite toward a means of transportation likely to injure their business. In the mountains the cold in winter is often so severe that an axe will break when struck against a tree. Would not rails snap under these conditions as a train passed over them? Admit that the railroad can be made a success; would it not monopolize transportation, and would farmers and teamsters submit to this?

For novelty and speed a railroad might be preferable to stage-coaches and canal-boats, but for a long journey or when travelling with a family a canal was better. Passengers on a canal-boat, as it moved along, could eat their meals, walk about, write letters. In a car these things were impossible. In a canal-boat they were as safe as at home. In a car who could tell what might happen, especially at night, from the acts of evilly disposed persons?† Said another: There may be, there must be, much exaggeration in the stories published daily about the superiority of railroads

* National Intelligencer, January 30, February 3, 13, 14, 20, 1830. Baltimore Gazette. Baltimore American.

† New York Evening Post, March 18, 1830.

over all other means of travel. But after due allowance is made for the hopes aroused by the enthusiasm for railroads, enough remains to excite our wonder and admiration.*

Forebodings such as these had no effect on the friends of the railroad, and when the books were opened for subscription to the Camden and Amboy Railroad, the whole amount of stock, four million dollars in value, was taken in ten minutes, and five dollars paid down on each share.†

In the opinion of such enthusiasts the railroad had long passed the experimental stage, and they pointed with pride to the progress of the Baltimore and Ohio company. Twenty-five miles of roadbed, they observed, had been graded, a fine stone viaduct completed, the rails laid as far as Ellicott's Mills, some thirteen miles from Baltimore, and experiments made with various sorts of cars, carriages, and motive power. On one occasion a horse drew two cars, containing forty-one persons, at the rate of eleven miles an hour for a distance of ten miles. Another horse then drew two cars with fifty-five persons nine miles in an hour. A carriage with seven persons was next moved rapidly by a winch turned by two men. Two dogs harnessed to a car trotted off with a load of six persons. A car fitted with a sail was next tried, and went off at a rapid rate to the amusement of the spectators.‡

Encouraged by these tests, the road from Baltimore to Ellicott's Mills was formally opened to the public on the twenty-fourth of May, 1830.§ On that day a brigade of six

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* National Intelligencer, September 20, 1830.

† National Gazette, April 3, 1830.

‡ National Intelligencer, January 4, 1830; Niles's Register, January 2, 1830; National Gazette, January 21, 1830.

§ The notice of this great event informed the public that "a brigade, or train of coaches will leave the Company's Depot on Pratt St. and return, making three trips each day, starting at the following hours precisely, viz.:

"Leave Baltimore at 7 A. M., and Ellicott's at 9 A. M.
" " 11 " " 1 P. M.
" " 4 P. M. " 6 "

"The price for the round trip of 26 miles will be 75 cents for each passenger. Should the demand exceed the present accommodations, passengers will be under the necessity of going and returning in the same coach, until a sufficient number of additional carriages can be finished."—National Intelligencer, May 26, 1830.

cars, each drawn by one horse, was used, and so many persons applied for passage that twenty cars would not have been enough. In August, when the keystone of the last of the three arches of the great viaduct over the Frederick turnpike at Ellicott's Mills was put in place, the directors and many citizens attended to witness the ceremony, and on that occasion steam was used on the road for the first time. The locomotive had been designed and built by Peter Cooper of New York, and passed around a curve of four hundred feet radius without difficulty.* This was a great step forward, and encouraged those who urged the use of steam rather than horses.

What sort of motive power was cheapest, most effective and lasting, was still a vexed question. As yet the horse was the favorite. He emitted no sparks, cost little, and carried his own fuel. But just how to apply his power was hard to decide. A short experience served to prove that he was liable to leave the track or stumble, and when he did the carriage was sure to be overturned. A car was therefore built with a moving floor like a tread-mill. Two horses, walking on this at the rate of two and a half miles an hour, moved the vehicle at the rate of fifteen.† Around the horses were the seats for passengers. On the Baltimore and Susquehanna Railroad two cars were joined by shafts of stout timber, the horse placed between these, and, to prevent falling, a broad belt of leather was passed under him and made fast to the shafts.

To test the merits of steam as a motive power, the Baltimore and Ohio Railroad company invited the owners, inventors, or builders of locomotives to enter their engines for a three days' competition in June, and promised to give the best of them a further trial of thirty days' regular work on the road. In response to this invitation three locomotives

* "Twenty-four of the persons who witnessed the ceremony were taken to the spot by Mr. Cooper's locomotive engine, the whole weight moved being about four and a half tons. The thirteen miles were made in sixty-one minutes, including four lost in taking in water on the return.—The *curved lines* appear to have been passed over without danger, and the track was changed without delay."—Niles's Register, September 4, 1830. National Intelligencer, September 2, 1830.

† Baltimore Gazette, June, 1831. Niles's Register, June 25, 1831.

were placed on the rails, only one of which, that built at York, Pennsylvania, by Phineas Davis, and known as the York engine, was able to stand the tests. Though it weighed but three and a half tons, this locomotive drew four cars weighing fifteen tons to Ellicott's Mills, climbed five miles of road where the grade was seventeen feet per mile, passed curves of four hundred feet radius without reduction of speed, and when running by itself went at the rate of twenty miles an hour.*

In New York meantime another locomotive had been tried on the Mohawk and Hudson Railroad. Ground was broken in July, 1830, and one year later, the twelve and a half miles of road from Albany to Schenectady having been completed, the De Witt Clinton, an American-made locomotive, was placed on the track.† After some tests and changes were made it was attached to a train and covered the distance, including stops, in less than an hour.‡ A defective boiler again caused delay, and the road was not opened for business till September,§ when the cars were drawn sometimes by horses and at others by the locomotive.

The company ere this time had received from England another engine named Robert Fulton,△ which was next tested, found satisfactory, and placed on the road for daily runs;◊ but the early time-tables make no mention of such use.‖ Passengers in those days took a car in Albany, and were drawn by horse power to the foot of an inclined plane, up which they were pulled by a stationary engine and rope. At the other end of the road was later built a second incline down which the cars were lowered to Schenectady. Another set of four such planes was on the Baltimore and Ohio road at Parr's Ridge, which separated the waters of the Patapsco

* Second Annual Report of the Chief Engineer of the Baltimore and Ohio Railroad, October 1, 1831.

† Albany Argus, July 25, 1831.

‡ The trial was made August 9, 1831.—Albany Argus, August 11, 1831. Another trial developed a defective boiler.—Argus, August 16, 1831.

§ Albany Argus, September 2, 1831.

△ Ibid, August 16, 27, 1831.

◊ Ibid, September 19, 1831.

‖ Ibid, September 26, 1831.

and the Potomac.* Indeed, so impossible was it for the locomotives of those days to climb steep grades made necessary by watersheds, hills, and mountains that very few of the early railroads were without inclined planes. Those on the Portage road in Pennsylvania were long regarded as one of the mechanical triumphs of the age.

A third railroad which attracted attention in 1831 was that from Charleston to Hamburg in South Carolina. The company was chartered in 1828, began work in 1829, and finished six miles that year. Here, too, the horse furnished the motive power, and the offer of a prize of five hundred dollars for the best locomotive moved by horse power brought out one which carried twelve persons at the rate of twelve miles an hour. The horse walked on a moving platform in the middle of the car. On each side, as in an Irish jaunting-car, sat the passengers. Sail was tested as a motive power; † but when an offer was made to build a steam locomotive to drag three times its weight at ten miles an hour, the company accepted it, and the Best Friend was soon on the road, drawing passenger cars and working trains. A second locomotive, the West Point, began work in 1831.‡

A railroad mania, aroused by the success of these enterprises, spread over the country. Stock of the Mohawk and Hudson, which at the outset could hardly be sold at any price, now brought a hundred and sixty-two dollars a share. When the books of the Paterson and Hudson Railroad were opened the stock was subscribed for three times over and sold at 126. All the shares of the Catskill Railroad were taken in a few minutes. In October a railroad convention met at Syracuse, declared for a railroad from Schenectady to Buffalo, recommended that it should carry passengers and not freight, but if freight was carried, that it should pay the same toll to the State treasury as did the

* One plane 2,100 feet long with a rise of 1 foot in 26 feet brought the cars to a level 3,600 feet long. From this rose a second plane with a slope of 100 feet in 3,000. Then came a second level 800 feet long on the top of the ridge. Two more inclined planes and a level led down the other side of the hill.

† Charleston Courier, March 26, 1830. ‡ Ibid, March 12, 1831.

canal.* Five other roads were already planned, and notices of application to the Legislature for charters were published in the Albany Argus.† On the Mohawk and Hudson, short as was the line, three hundred people were carried over in one week. The gross receipts for the same time were over thirteen hundred dollars.‡ When the Baltimore and Ohio Railroad reached Fredericksburg in December, 1831, the receipts rose to three hundred and fifty dollars a day. Only twenty-two freight cars could then pass each way daily; but these in eleven days brought to Baltimore four thousand barrels of flour at a cost of fifty cents a barrel less than would have been the freight by wagon. In February three hundred cars were on the road, and carried to Baltimore in one day twenty-nine tons of granite, forty-eight tons of wood, sixty-six bushels of rye, ten tons of pig iron, and fourteen hundred barrels of flour.

The railroad was revolutionizing trade and commerce. The saving in time, and in cost of transportation, the opening of new routes and the sure ruin of old, were alarming to the merchants in more than one ancient trade centre. In Philadelphia a town meeting was held, and a memorial addressed to the legislature in opposition to a bill chartering a road from York to the Maryland line. Such a road would divert a fine trade from Philadelphia to Baltimore, and it was not the duty of the legislature of Pennsylvania, the petitioners held, to build up Baltimore at the expense of Philadelphia.§

Everywhere the demand of the hour was greater speed and less cost in transportation, and everywhere on land and sea the demand was being satisfied. Men not yet in the prime of life looked back with a smile on the slow-going days of 1800. Steamboats went faster, ocean packets sailed swifter, more comfortable coaches rolled over better roads at twice the speed of former times. Increase in the area of

* Albany Argus, October 17, 1831.

† Buffalo to Albany, Buffalo to Cayuga Lake, Utica to Cayuga Lake, Rome or Schenectady to Buffalo, Maysville to Portland Harbor (Lake Erie).—Albany Argus, October 28, 1831.

‡ Albany Argus, October 12, 1831.

§ United States Gazette, January 16 and 18, 1832.

the large cities, and the eagerness of the citizens not to lose a minute, made cheap transportation for the masses a municipal question, and in New York the first omnibus line made its appearance. Some welcomed it; others opposed it, and complained of the speed at which the 'buses ran, and the injury their presence inflicted on the finest street in the country.

How rapidly in 1830 news could be spread from the seat of government to the distant parts of the republic was well illustrated by the carriage of the President's message. Five hundred and forty-four miles, by the post-office books, from Washington to Portland, were covered in thirty-eight hours; but forty-three hours were consumed in carrying the message to Albany, a distance of three hundred and ninety-nine miles from Washington. On the Great Western Route the time was thirty-four hours to Columbus, Ohio, a distance of four hundred and ten miles. The Great Southern Route passed by way of Raleigh, Tuscaloosa, and Mobile to New Orleans, and over this, a distance of eleven hundred and eighty-nine miles, the message sped in six days.

On some parts of these routes the travel was heavy. Twenty thousand persons were said to have been carried by the stages plying between Washington and Baltimore during the spring and summer of 1830. When the boat from Baltimore arrived at Frenchtown it often happened that ten coaches were necessary to convey the passengers overland to New Castle. On the line betwen Boston and Providence twenty coaches were in constant use.

Despite this increased travel, life and limb had never been safer. Better roads, more sober drivers, and heavier coaches had greatly lessened the risk of an overturn or a breakdown. The United States mail alone was in almost hourly danger even on well-travelled roads and near large cities. Highwaymen in the form of mail robbers infested the mail roads. One January morning about sunrise, as the Baltimore and Washington coach was climbing a hill in the outskirts of Baltimore, the driver was shot by some one hidden at the roadside, and the mail robbed. Almost at the same time a carrier was knocked from his horse on the

Warrenton road in Virginia and the bags taken. A like fate a few weeks later befell a carrier of the Vincennes mail in Indiana, but his horse took fright, and ran off with the mail-bags. Within two months three trunks were cut from the Boston and Albany coach when three miles from Albany, the Great Western Mail was robbed near the same city, and the mail taken from under an inside seat in the Northern and Whitehall coach.

These things were of constant occurrence, and, save when a highwayman or a mail robber was caught and hanged, aroused less public interest than did the carriage and delivery of the mails on Sunday. Letters and packets had been carried on Sundays ever since the establishment of daily mails; but it was not till 1810 that the Postmaster-General required post-offices, when the mails arrived on Sunday, to be kept open for one hour after the letters were assorted. Should the hour happen to fall during divine services in the churches, the postmaster was to assign another later in the day.

Protests followed at once from Philadelphia in 1811, from the Synod of Presbyters and others at Pittsburg in 1812, and from many parts of the country during 1813. Seventy-three petitions were presented to the House of Representatives in 1814, fifty-six the next year, and twenty-five the year following. As the routes were extended, the post-offices increased in number, and the daily mail service made more general, these remonstrances continued to come in, despite the adverse reports of committees and the Postmaster-General. Remonstrants were reminded that, if their prayers were granted, letters would be delayed five days between Boston and New Orleans, three days between Washington and New Orleans, and two on the way from Washington to St. Louis; that if mail-coaches were stopped on Sunday, travellers would patronize lines that did not carry the mails; that letters would be sent, as of old, by private hands; that people could be prevented by local laws from gathering about the post-offices when the mail arrived on Sundays, and that government despatches and commercial letters must be transported as quickly as possible; but all to no avail. What was

known as the Christian party in politics kept up the agitation till, by 1830, State legislatures as well as the people found it necessary to pray that the delivery of mails on Sunday should not be discontinued.

Agitation of this sort was but one of many indications of the great change which twenty years had wrought in the ideas of what formed good morals. In the majority of the States serious opposition was no longer offered to Sunday travel. Stage-coaches rolled through the towns, ferry-boats plied on the rivers, and Sunday excursions were not uncommon. In Philadelphia the privilege so long enjoyed by churches of hanging chains across the streets during divine worship, and so stopping all travel, was taken away.* Now that wealth and taxable property had increased in the Eastern and Middle States, lotteries were no longer a necessary means for raising money with which to build churches and school-houses, pave streets, construct turnpikes and bridges, and buy fire-engines. The lottery, therefore, had come to be looked on as an institution dangerous to good public morals, and State after State put it under ban, but in Maryland and Virginia it still flourished as a source of revenue for town and city improvements. When in 1830 masquerade balls were introduced in New York and Philadelphia they were promptly proscribed by law. To suppress them in New York was not possible; but when a masked ball was held in the Park Theatre a mob gathered, jeered at the maskers, and threw stones through the windows. On seeking protection from the constables, the managers were told they were lawbreakers, and could not have protection. When Powers's Chanting Cherubs were exhibited in Boston it was necessary to drape their loins with linen, and like treatment was accorded to an orang-outang which visited the city about the same time.

Yet the sensitive community which could not gaze upon a nude statue was indifferent to many forms of real immorality and human suffering which did not happen to be publicly displayed. Nothing called more loudly for reform than the condition of the jails, and no prisoners in them were so

* Laws of Pennsylvania, No. 85, 1830–31.

cruelly treated as lunatics. A careful examination by the Prison Discipline Society brought to light thirty lunatics whose condition was a disgrace to humanity. One who had been nine years in a wretched den had "a wreath of rags round his body," and not another stitch of clothing. In his cell was neither chair, bed, nor bench, but in one corner "a heap of filthy straw like a nest of swine." In the House of Correction, so called, in a plank apartment, a lunatic had been jailed for eight years. During this time he had left his room but twice, and for eighteen months the door had never been opened. Food and water was thrust through a hole in the door. When seen through this aperture, "the first question was, Is that a human being? The hair was gone from one side of his head, and his eyes were like balls of fire." In the cellar were five lunatics, in cells six by eight feet. The darkness was such in two of them that nothing could be seen by looking through the hole in the door. In one a lunatic had been confined seventeen years, and on opening the door the cracks about it were found to be stuffed with hay to keep out the cold. In the upper story a man and woman were shut in the same cell, through the broken window of which snow was falling on the woman as she lay huddled against the wall.*

Conditions in Massachusetts were in no sense peculiar. The Bridewell in New York city, the Walnut Street Prison in Philadelphia, the Baltimore Prison, the jail in Washington, and the Newgate Prison in Connecticut, where an old copper mine, seventy feet under ground, was still used as night quarters,† are described so late as 1827 as places of filth, vice, and immorality.

To the credit of the country, however, reform was under way and by 1830 results were already visible. Massachusetts had voted thirty thousand dollars for the building of a hospital for lunatics. The Newgate Prison in Connecticut was abandoned, New York was erecting buildings on Blackwell's Island, the prison at Sing Sing had been finished, and

* Second Annual Report of the Prison Discipline Society. Boston, 1827, pp. 19, 20.

† For a description of Newgate see Kendall's Travels Through the Northern Parts of the United States, 1807–08, Vol. I, p. 206.

a movement was on foot for abandoning the Bridewell. Houses of Refuge for Juvenile Delinquents were now to be found, not only in New York, but in Boston and Philadelphia. The custom of separating prisoners at night instead of herding them in one large room was coming into general use, chaplains were provided, Bibles distributed to the convicts, and religious services held in a few prisons, but rarely at the cost of the State.

The laws for the punishment of criminals had changed but little since the century opened. Here and there traces of the barbarous code of colonial days still lingered. In Rhode Island the forger of notes, bank bills, or securities must sit in the pillory, have a piece of each ear cut off, be branded while in the pillory with the letter C, be imprisoned six years, and fined. Like punishment awaited those who passed or had in their possession forged notes or bills, or counterfeit coin, or owned the plates and tools necessary for counterfeiting. The perjurer must be cropped, branded and pilloried for three hours; the duellist carried in a cart with a rope about his neck to the gallows, and made to sit thereon for one hour; the bigamist must be placed on the gallows with a rope about his neck, fined, and imprisoned; the man guilty of arson, pilloried, cropped on both ears, and branded with the letter B. In Connecticut the woman who concealed the death of a bastard child, must, on conviction, stand on the gallows with a rope about her neck for one hour. Delaware pilloried, flogged with twenty-one, thirty-nine or sixty lashes, imprisoned and sold her criminals for any term of years, one, four, seven, ten, fourteen or fifteen, and required some to wear on the outer garment between the shoulders a scarlet letter four or six inches long to designate his crime. A Roman T meant thief; an R, receiver of stolen goods; an F, forger. Many crimes were punished in one or several of these ways.*

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* Pillory, whipping, imprisonment, and sale, 8.
Pillory, whipping, and sale, 2.
Pillory, whipping, imprisonment, 1.
Pillory and sale, 2.
Pillory and imprisonment, 1.
Whipping, imprisonment, sale, 3.
Whipping and sale, 3.
Whipping and imprisonment, 2.
Sale, 1.
Whipping, 1.
Lettering, whipping, pillory, imprisonment, 6 classes.

Louisiana had abolished the death penalty. Pennsylvania retained it as the punishment for murder. Other States prescribed it for any one of from three to thirty crimes.

The great reform was in the treatment of the debtor. Nine States had abolished imprisonment of women for debt; * three exempted soldiers of the Revolution; † others forbade imprisonment for debts under stated sums, varying from five to thirty dollars;‡ a few had abolished it outright.§

If the creditor did not pay the cost of feeding his prisoner; if the debtor, after due notice to the creditor, proved he had no property, and was allowed to take the poor debtor's oath, he must, in many States, be discharged. If he gave bond to twice the amount of the debt, he might live on the limits of the jail, which might be the limits of the town or a large part of the city. When a debtor gave bond in twice the amount of his debt to appear at the next session of the court, he could not in some States be imprisoned. Should he, after examination, be allowed to take the poor debtor's oath, he was discharged.

Despite these provisions, it was estimated in 1833 that in the United States seventy-five thousand persons were sent to jail each year for debt. Ten thousand were in New York, seven thousand in Pennsylvania, and three thousand each in Massachusetts and Maryland. In Boston during 1828 a thousand and eighty-five were imprisoned for debt; in Philadelphia, during eight months of 1829, eight hundred and seventeen, of whom eighty owed less than one dollar. In Baltimore during 1829 nine hundred and forty-four. The returns of thirty-two prisons for 1830 show that 2,841 debtors were imprisoned for sums less than twenty dollars.

Against treatment of this sort the public now began to

* Massachusetts, Connecticut, New York, New Jersey, Ohio, Mississippi, Pennsylvania, Alabama, North Carolina.

† New Jersey, Ohio, Indiana.

‡ Maine under $5; New Hampshire under $13.33; Massachusetts under $10; Maryland under $30; South Carolina under $20.

§ Kentucky, 1821; New York, 1831.

protest vigorously. When the Workingmen's party was organized at Dorchester in the winter of 1830, one plank in its platform called for a revision of the laws for imprisonment for debt.*

Early in the following year a public meeting was held in Faneuil Hall to take measures for the abolition of imprisonment for debt.† At another meeting in the Court House a long series of resolutions were adopted,‡ and at another in Faneuil Hall, Senators and Representatives were nominated, and an address to the public approved. Voters, said the address, the law of this State gives power to a stranger, an alien, a felon, to put any one in jail for debt. Christians, a convicted murderer in his cell is better treated and better fed than your father, brother, son, if guilty of the crime of debt and sent to jail. There is a power in our State government that can release a murderer from prison or save him from the gallows. There is no power in the State or in the United States, save your accuser, that can release you from the filthy and degrading walls of a debtor's prison.§ Yielding to the pressure of public opinion, the Maryland House of Representatives passed a bill for the abolition of debt, but the Senate rejected it, lest, it was said, the friends of Clay should get credit for so humane a measure. When the Friends of Liberal Principles and Equal Rights met at Rochester, they protested against imprisonment for debt, asked the deputy jailer of the county prison to set free all persons imprisoned for debt, and pledged themselves to pay the debts, costs, and jail fees of all so liberated.‖ The response of New York to such popular opinion was the abolition of imprisonment for debt after March, 1832. The response of Massachusetts was an act forbidding imprisonment for debts under ten dollars.

To agitate for the total abolition of debt now became part of the policy of the Workingmen's party, which was

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* New England Palladium, December 2, 1830.

† Boston Patriot, February 3, 1831.

‡ Ibid, September 17, 1831. United States Gazette, November 12, 1831.

§ Boston Courier, November 17, 1831.

‖ National Intelligencer, February 4, 1831.

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organizing in the large cities and labor centres of the country. The rise of this party in Philadelphia was followed by like movements, not only in New York, but in Albany, Troy, Schenectady, and Buffalo, and by a new crop of labor journals. To the Daily Sentinel and the American in New York city were now added the Democratic Mechanics' Free Press in Philadelphia, the Workingmen's Bulletin in Buffalo, and the Daily Freeman's Advocate, and Farmers', Mechanics', and Workingmen's Champion in Albany. Spreading eastward, the movement took root in Massachusetts, where a Workingmen's Party was formed at Dorchester. Its purpose was to encourage justice, equality, temperance, industry and frugality; eradicate the prejudice against useful employments, obtain a revision of the laws regulating the relations of debtor and creditor, the abolition of all monopolies in business, and the equalization of the prices of labor.* In Boston a Workingmen's ticket was put in the field, candidates for the Legislature nominated,† and at a meeting of farmers, mechanics, and workingmen a decision was reached to issue a call for a convention of delegates to meet in 1832 in the State House.

The demands of labor were for mechanics' lien laws, no imprisonment for debt, free schools, a ten-hour day, and no convict labor. In New York the issue of prison labor was taken up by the stone-cutters who, greatly enraged because granite pillars and stone-work for new buildings were cut at Sing Sing, went on strike. When this accomplished nothing, they met in a body, marched to a building where prison-cut stone was used, ordered the masons to stop and used threats. The police dispersed them, and made a few arrests.‡ On another occasion, the journeymen cabinet-makers, taking offence at the large number of auction sales of furniture, attended one in a body, drove out the women present, and cut the furniture, because they said it was not made in the city.§

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* New England Palladium, December 2, 1830.

† Boston Patriot, May 14, 1831.

‡ New York Evening Post, June 22, 23, 1830.

§ Boston Courier, December 26, 1831.

In Boston the struggle for a ten-hour day was taken up by the shipwrights and caulkers, who, to secure it, went on strike. They complained that they were required to labor from sunrise to sunset; that if rain stopped their work, and they had not labored for more than two hours, they were paid nothing for that day; and that if a ship were to be moved from one part of the city to another, they were forced to assist.

The merchants and ship-owners denounced the movement for fewer hours as unreasonable. Labor should be left free to regulate itself. Neither the employed nor the employer should have power to control the other. All combinations to regulate the hours or the price of labor were pernicious, and likely to drive trade from the city, and they would neither employ journeymen who belonged to such combinations, nor give work to any master mechanic who hired such journeymen. In the end the strikes failed.

Another movement destined in our day to rise to an importance as serious as the struggle between capital and labor was by this time well under way in the West. In 1823 there lived at Palmyra, New York, a shiftless young man named Joseph Smith, Jr., well known in the neighborhood as a "money digger" and seeker for lost or stolen articles. He was much given to visions, and in one which came to him in September, 1823, an angel of the Lord, he said, appeared and told him that under a stone on a certain hill was a book written on golden plates, and two stones set in silver bows by whose aid the writing could be translated.

Thus instructed, Smith declared he went to the hill, found the stone, pried it up, and looking under, beheld the book, a golden breastplate, and the two stones, Urim and Thummim. But on attempting to take them out he was stopped by the angel of the vision, and commanded to return to the spot on the anniversary of that night for four years to come. Not till 1827, therefore, did Smith come into the possession of the golden book, the Urim and Thummim, and the breastplate.

All was then ready for the pretended work of translation. For this it seemed desirable to have a witness and

assistant, and in casting about for such a helper, Smith selected Martin Harris, a well-to-do farmer, a firm believer in visions, dreams, and ghosts, and a man who had been by turns a Quaker, a Universalist, a Baptist, and a Presbyterian. The services of Harris secured, the two would retire to the attic of a farm-house, where Smith on one side of a curtain would pretend to read from the golden plates, while Harris on the other would write down what he heard. When one hundred and sixteen pages were written, they fell into the hands of Mrs. Harris and were never seen again.

The loss was serious. To reproduce an exact copy of the manuscript was impossible, and fearing that the original might be in existence, Smith was doubtful what to do till God commanded him to go on with the work, and translate from the plates of Nephi, which contained a fuller account than did those of Lehi, which he had used.*

After a delay of ten months, the translation was resumed with Smith's wife acting as writer, and continued till April, 1828, when her place was taken by Oliver Cowdery. A few weeks later Smith was invited to make his home with Peter Whitmer, who offered free board and aid in finishing the translation. He went, and soon interested David Whitmer, a son of Peter, in the new bible. By June, 1829, the manuscript was ready for the press, and a search for a publisher begun. The printer of the Wayne Sentinel of Palmyra was first applied to for an estimate of the cost of an edition of three thousand copies. He refused to do the printing, and advised Harris, who offered security, not to put money into so foolish a scheme. Thurlow Weed, publisher of the Anti-Masonic Inquirer of Rochester, was next visited, but he, too, refused, and warned Harris not to mortgage his farm and beggar his family. The printer of the Sentinel was at last persuaded to do the work; Harris mortgaged his farm to pay the bill; and in 1830 "The Book of Mormon: An Account written by the Hand of Mormon, upon Plates taken

* Reliable accounts of Smith and the rise of Mormonism may be found in Kennedy's Early Days of Mormonism; Lynn's The Story of the Mormons; Rev. John A. Clark, Gleanings by the Way; Howe's, Mormonism Unveiled; Pomeroy Tucker, Origin, Rise, and Progress of Mormonism.

from the Plates of Nephi" was issued at Palmyra. That the plates really existed, and had been seen, that the translation was made by the gift and power of God, and that the contents of the book were true, were vouched for by "The Testimony of the Three Witnesses," Oliver Cowdery, David Whitmer, and Martin Harris, and by "The Testimony of the Eight Witnesses," Christian, Jacob, Peter and John Whitmer, Samuel, Hyrum and Joseph Smith, Sr., and Hiram Page. The Rochester Daily Advertiser noticed the work, and printed the preface and the testimony of the witnesses. A few other journals copied the notice;* but the public took no interest, and even in Palmyra the Book of Mormon did not sell.

Steps were now taken to organize the church. A year before this time, Smith and Cowdery were met in the woods and ordained priests by John the Baptist; a revelation next directed the appointment of twelve apostles; and later still, the power of laying on of hands was conferred on Smith by the apostles, Peter, James, and John. Thus equipped the work of proselyting began, and in April, 1830, the Church of Christ was "regularly organized and established, agreeable to the laws of our country," at the home of Peter Whitmer, and in June the first conference was held at Fayette.

Another revelation now bade Smith and Cowdery go "unto the Laminities," as he called the Indians, to preach the Gospel to them, and accordingly, Cowdery and three others started westward in October. These four men, preaching as they went, passed through Buffalo and on to Kirtland, Ohio, where seventeen converts were baptized, and a debate on the right to do so held between Cowdery and Sidney Rigdon, who was at once converted.

Rigdon was an orator of no mean sort, a Campbellite preacher of much influence, and presided over two churches at Mentor and Kirtland. Preachers of other sects followed his example; converts were easily made among the people, and in a few weeks the Mormon Church at Kirtland numbered a hundred.

The conversion to Mormonism of men looked up to by

* United States Gazette, April 10, 1830.

the people as religious teachers and leaders affected the community powerfully. That they could go astray; that they could be the dupes of a false prophet, a fanatic, a blind leader of the blind, seemed so unlikely that the people, at a loss what to think, came in crowds to Kirtland to inquire about the new prophet and his works. Men and women on foot, on horseback, in vehicles of all sorts crowded the roads every Sunday, all bent on hearing the expounders of Mormonism. All the scenes of the camp-meeting were repeated. Carried away by the excitement of the moment, new converts mounted upon stumps and preached to congregations that did not exist; picked up stones inscribed with messages that faded away as soon as read; saw lights in the air; had visions by night; chased balls of fire through the fields, and at the evening prayer-meetings fell in faints, or crawled about on hands and knees in a dazed condition.

All this was familiar enough to frequenters of camp-meetings, but Smith, who came to Kirtland early in 1831, beheld these displays of religious excitement with no friendly eye. A revelation informed him that the antics and ravings of the new converts were of the devil, and he undertook to stop them; but during a meeting conducted by Smith the devils pulled one elder from his seat and "bound another so that for some time he could not use his limbs or speak."

By this time the sect in Ohio numbered a thousand, and that other thousands might be gathered to the fold a new revelation to Smith bade the elders, who comprised most of the men, go forth two by two and preach the Gospel, and begin the great work of proselyting. With a zeal, with a persistence worthy of a better cause, these early Mormon missionaries took up the task thus laid out for them, wandered over the East, the Middle States, and the West, preaching, expounding, baptizing, and ere two years went by, at least one Mormon Church existed in nearly every Northern and Middle State.

The missionaries to the Laminities pushed westward to Sandusky, Cincinnati, and St. Louis. Thence they travelled across Missouri on foot over "vast prairies and through trackless wilds of snow," carrying on their backs clothing,

books, raw pork, and corn-bread, till Independence was reached early in 1831.

At Independence two of the four remained to support themselves as toilers; but Cowdery and Pratt pushed on over the border into the Indian country, where the Federal authorities turned them back as violators of the law which forbade white men to settle among the Indians. Pratt thereupon returned to Kirtland to report, and gave so good an account of the country that a revelation bade Smith, Rigdon, and some thirty elders go thither at once. Leaving their crops in the ground, their families unprovided for, their business to be settled by others, the chosen few set off two by two, preaching as they went, and by July were assembled at Independence, a frontier hamlet, consisting of a court-house, a few stores and some twenty log cabins. The rolling prairie, the timber bottoms, the rich soil, the abundance of grapes and plums delighted Smith, and another revelation announced "this is the land of promise and the place of the city of Zion." A lot near the court-house was chosen as the site for a temple, and the corner-stone of the temple and the foundation stone of Zion were laid in the presence of the astonished people of Independence with such ceremony as Smith and Rigdon could devise. Here in the promised land was to be the great Mormon gathering place, the Zion of God. All other assemblages of Mormons were stakes of Zion.

A revelation having made these facts known, the party travelled back to the Kirtland stake as best it could, and spread the news far and wide among the Mormons, who became eager to set out for the promised land at once. The churches, it was well said, grew crazy to go up to Zion, and in a few months a Mormon town of twelve hundred people, with workshops, stores, a printing-house and a newspaper sprang up near Independence.

Alarmed at the presence of this strange sect, many of the people of Jackson County, Missouri, tried to sell their farms and move away. But the Mormons were too poor to buy, and as their number grew larger and larger month by month, the men of Jackson County began to harass them by petty persecutions in hopes of driving them out. Haystacks were

burned, houses were stoned at night, and windows broken with bullets.

West of Independence lay the great plains, no longer an unexplored wilderness, but crossed and recrossed every year by bands of trappers and fur traders.

In 1823 Étienne Prevost discovered the South Pass, and penetrated into the country of the Great Salt Lake. In 1824 William H. Ashley led a party of trappers in his employ up the Platt River and its South Fork to the mountains, crossed into the valley of the Green River, started down the river in the spring of 1825, was wrecked near the mouth of a tributary which now bears his name, and then made his way back to St. Louis, across the mountains, and by Salt Lake Valley, the South Pass, the Big Horn, the Yellowstone, and the Missouri. In 1826 Ashley with a party went through the South Pass, dragging along a six-pound cannon, the first wheeled vehicle known to have crossed the mountains north of the Santa Fé trail. The cannon was put in a trading post built on Utah Lake by Ashley in 1825.

In the autumn of 1826 Jedediah Smith, of the trapping firm of Smith, Jackson and Sublette, led a band of fifteen men from near Great Salt Lake to the Virgin River, went down it and the Colorado to the land of the Mojave Indians, and westward across the desolate wastes of southern California to San Diego. There the Mexican authorities bade him go back by the way he came, but Smith turned northwestward and traversed central California, trapping as he went, to the head waters of the Merced River, crossed the Sierra Nevada, and returned to Great Salt Lake and the rendezvous of the trappers.

No sooner was the rendezvous broken up than Smith with a party of thirteen set off again for California, and went by the route of the year before to the Mojave Indians, who massacred ten men and robbed him of his property. With two wounded companions, Smith travelled on to San Gabriel, and then started northward alone; was thrown into prison at San José, and sent under guard to Monterey, where the master of an American vessel secured his release. With orders from the Mexicans to leave the country in two months,

Smith set out again in company with twenty men eager to go with him, and passed the winter on the American Fork of the Sacramento River. While in Oregon in July, 1828, the Indians massacred fifteen of the party. The rest fled northward, and Smith went on alone and in utter destitution to Fort Vancouver, a British post on the Columbia River. There the Hudson Bay Company people treated him with great kindness, sent a party to recover the furs on the Umqua River, and bought what was secured. In March of 1829 Smith ascended the Columbia River to the country of the Flathead Indians, turned southward along the mountains, and in August, when near the head waters of the Snake River, met his partners, Jackson and Sublette.*

The three partners now crossed the mountains to the sources of the Yellowstone, and travelled southward to the Wind River, one of the sources of the Big Horn, where two passed the winter, while Sublette and a companion went on to St. Louis to lead the outfit the next year. Early in April, 1830, Sublette, with eighty-one men and ten wagons loaded with merchandise, twelve head of cattle, and a cow, left St. Louis.† This, the first wagon train on the Oregon Trail, ‡ reached its destination in the Wind River Valley without difficulty, and in the autumn was back in St. Louis, laden with furs.§

While Smith and his fellow trappers were exploring the West in their search for furs, Hall J. Kelley, a Boston schoolteacher, was seeking to lead a colony to Oregon. The strug-

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* The American Fur Trade of the Far West. H. M. Chittenden, Vol. I, pp. 283–287.

† National Gazette, April 30, 1830.

‡ The American Fur Trade of the Far West. Chittenden, Vol. I, p. 291.

§ The National Intelligencer of November 1, 1830, reports the arrival of Jackson and Smith, and states that Smith has explored the country from the Gulf of California to the mouth of the Columbia.

The St. Louis Beacon notes that Smith, Sublette, and Jackson, have returned from the Rocky Mountains with ten wagons, each drawn by five mules, and states that they left St. Louis April 10th, reached "the Southern Pass," the place of rendezvous of the traders, on July 16th; left August 4th loaded with furs, and reached St. Louis October 1st. "They could have crossed the Rocky Mountains at South Pass without difficulty and gone on to the mouth of the Oregon."—National Intelligencer, November 25, 1830.

gle for Astoria, after the second war with Great Britain, the terms of the convention of 1818, the treaty with Russia in 1824, the union of the Northwest and the Hudson Bay Companies in 1821, the building of Fort Vancouver on the north bank of the Columbia River, not far from the present city of Portland, and the treatment of the question of occupation of the Columbia by Congress in 1824, seem to have convinced him that nothing but colonization could secure that splendid region to the United States.

Allured by the hope that he might be the agent for saving Oregon by settlement, he began the work of agitation, organized an Oregon Colonization Society in Boston in 1829, and by 1830 had secured enough support to make the movement of public importance. The question of building the Boston and Albany Railroad was then under discussion in the General Court of Massachusetts. In the course of debate a member declared that the road ought to be constructed in order to keep the people from going to Oregon; that an association of active, enterprising men had been formed to colonize that country, and that four thousand families had engaged to go. In 1829 Kelley published his Geographical Sketches of Oregon, made up, he stated, from the Journal of Lewis and Clark, from public documents, and personal interviews with *voyageurs* and travellers.* The next year the Colonization Society was incorporated as "The American Society for Encouraging the Settlement of the Oregon Territory." †

A memorial was presented to Congress asking for aid and the right to extinguish the Indian title to land, and a general circular issued calling for emigrants.‡

A seaport city with wide streets, large lots, and a great public square was to be built on Gray's Bay at the mouth of

* National Gazette, March 9, 1830.

† Laws of Massachusetts, 1831, Chapter LXIII, June 22, 1831.

‡ A general circular to All Persons of Good Character who wish to emigrate to the Oregon Territory embracing some account of the Character and advantages of the country; the right and the Means and Operations by which it is to be settled; And all necessary Directions for becoming an Emigrant. Hall J. Kelley, General Agent. By order of the American Society for Encouraging the Settlement of the Oregon Territory instituted in Boston in 1829. Charlestown, 1831.

the Multnomah River.* Emigrants with certificates of good moral character would be accepted, must sign a pledge to emigrate and obey the civil government to be established, and deposit twenty dollars as proof of good faith. Once in Oregon each person, married women excepted, would receive a seaport lot five hundred feet square, or two farms of forty and one hundred and sixty acres in the Multnomah Valley, and free transportation from St. Louis.

Emigrants were to gather March 1, 1832, in the chief cities from Portland and Boston to Albany and Baltimore, and find their way in companies of fifty under a captain to St. Louis.†

From St. Louis the route would be by the Great Platte River to its source, thence over the mountains by the depression described by Sublette as the Southern Pass, to the sources of the Multnomah, and so to the site of the city at its mouth. Each emigrant must find his own arms, blankets, and covered wagon for his women. Physicians, master shipbuilders, wheelwrights, carpenters, blacksmiths, skilled mechanics of all sorts were wanted. The first expedition was to start in January of 1832,‡ but was put off till March in hopes of favorable action by Congress.

Among the few who applied for enlistment in the first expedition was Nathaniel J. Wyeth of Cambridge, Massachusetts. But when the year drew to a close, so few had enlisted that the Colonization Society decided to join the first and second expeditions in one and changed the date of departure to the first of June, 1832.§ Wyeth withdrew, and started to form a joint-stock company of fifty persons to leave St. Louis by May first, 1832, and engage in trade in Oregon. Each member was to contribute forty dollars, the articles of agreement were to last five years, and the profits were to be divided.

The plan took shape rapidly, and by February twenty

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* The Kelley circular gives a map of the proposed city.

† Ibid.

‡ Boston Patriot, May 28, 1831. United States Gazette, October 22, 1831.

§ N. J. Wyeth to Seymour Whiting, February 5, 1832. Sources of the History of Oregon. The Correspondence and Journals of Captain Nathaniel J. Wyeth.

three men had paid their first assessment.* Every Saturday night the members of the company met at the home of Wyeth to become well acquainted, talk over the trip, and discuss the schemes of their leader. March first, all being ready, they went into camp on an island at the head of Boston Harbor, where they remained till the tenth of the month, when they set sail for Baltimore, and a week later camped two miles outside the city. After a short stay the journey was resumed by rail to the Alleghanies, on foot to the Monongahela, and by steamboat to Pittsburg, St. Louis, and Independence. On leaving Boston the party numbered twenty-nine. At Baltimore four of Kelley's recruits joined, but three deserted on the way up the Missouri, and three more withdrew at Independence, where the whole party might have gone to pieces had it not been for the arrival of William L. Sublette and his trappers, bound for the mountains. Sublette took them in hand, and advised, guided, and protected by him, they crossed the plains to the annual rendezvous of the trappers at Pierre's Hole, on the upper waters of the Snake River, where were gathered for purposes of trade hundreds of Indians, trappers of the Rocky Mountain Fur Company and the American Fur Company, and many who were trapping on their own account.

At this great fair Wyeth remained nine days, during which time seven men left him, reducing the party to eleven. The deserters joined the returning trappers under William Sublette. Wyeth with the others pushed on with Milton Sublette, and three months later reached Fort Vancouver, on the Columbia. That the expedition had failed was so apparent that the men unanimously asked for their discharge, and the compact which brought them from Boston to the Columbia was dissolved. Five went home by sea, two remained in Oregon, two died, and two in 1833 returned overland with Wyeth, who reached Cambridge in November.†

The plans of the Oregon Colonization Society meantime had come to naught. But Kelley gathered a few followers in

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* N. J. Wyeth to Leonard Wyeth, December 5, 1831.

† Oregon: Or a Short History of a Long Journey from the Atlantic Ocean to the Region of the Pacific by Land. John B. Wyeth, Cambridge, 1833.

the autumn of 1832, and early in 1833 made a final appeal to the public.* He was, he said, on his way to Oregon, and would join his friends assembling in New Orleans in March. He had recently fitted out detachments of emigrants, and must ask for aid. His purpose was to enlighten and benefit the nations in and about the Pacific Ocean by bringing to them the principles of free and liberal government and the blessings of the Christian religion. Oregon belonged to the United States, and ought not to be in the possession of another nation "to be made the theatre of an ambition ever thirsting for blood and for power." †

At New Orleans his companions deserted him, but he went on to Vera Cruz, where his property was seized for duties, made his way to California, and after many adventures, much hardship and suffering, reached Fort Vancouver in October, 1834.

The circulars and notices of Kelley and the overland journey of Wyeth aroused but little public interest in the Oregon country. But a letter which appeared in the Christian Advocate early in 1833 stirred the public conscience strongly. The government, in carrying out its policy of moving the Indians to lands beyond the Mississippi, had urged the Wyandots, long resident in Ohio, to exchange their reservation for lands near the Missouri River. Before accepting the offer the tribe sent out a party to explore the region tendered. One of the party, an interpreter named William Walker, wrote to a friend an account of the country and described an incident which came to his attention while in St. Louis.

While visiting General Clark, Superintendent of Indian Affairs, the general told him that three chiefs of the Flat-

* A letter from New York in January, 1833, states that an expedition is fitting out in that city, and that a vessel will sail in a few days with a number of young men to form a settlement eighty miles up the Columbia. The writer had called on the agent of the parsonage on Shugversant Street and had been shown a pamphlet containing full information as to Oregon. Those who go must make up their minds to endure a life of hardship and labor and live in fear of Indians. He doubted if the most ardent city sportsman would much relish the sport. Price of passage, $60. United States Gazette, January 4, 1833.

† United States Gazette, February 8, 1833.

head Nation were in his house, and that they had come from the west of the Rocky Mountains in search of the Bible. Some white men had penetrated to their country, had witnessed one of their religious ceremonies, had declared their manner of worshipping the Great Spirit was wrong, and told them that the white people away toward the rising sun had a book directing them how to behave in order to enjoy His favor, and hold communion with Him. Excited by these descriptions, a council was called, and four chiefs sent to St. Louis to procure the book.

General Clark entertained them, assured them that what they had heard was true, explained the Bible and its contents, but did not give them the book. Two died, and the others started homeward.

The appearance of this letter in the Christian Advocate * was followed by a call from President Fisk of Wilbraham College for two young men to go to the Flatheads, live with them, learn their language, preach Christ, open schools, and introduce agriculture and the arts of civilized life. Copies of the paper containing the letter and the appeal found their way in time to St. Louis, and brought another letter from a resident of that place.† He had seen General Clark, who assured him that the visit of the chiefs was a fact, but gave a different version of the cause. Two Flatheads had been educated by the Jesuits in Montreal, had returned to their tribe, and had attempted to instruct their people how white men worshipped the Great Spirit. The result of their teachings was the visit of the chiefs. The call of President Fisk was heard, and in 1834 the Methodists sent out Jason and Daniel Lee as missionaries to the Indians.

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* Christian Advocate and Journal and Zion's Herald, March 1, 1833. Letter of William Walker to G. P. Disoway, Upper Sandusky, January 19, 1833.

† Letter of E. W. Sehon, Christian Advocate, May 10, 1833. History of the Fur Trade of the Far West. H. M. Chittenden, Vol. III, pp. 912–925.

CHAPTER LVII.

THE ELECTION OF 1832.

In the annual message of December, 1829, Jackson had asked for an amendment to the Constitution limiting the President to one term of four or six years. Some of his followers, supposing that he would take his own advice, that he would be content with one term, that he would not even listen to a proposition to be a candidate for re-election, began as early as the spring of 1830 to cast about for a successor, and mentioned the names of Van Buren and Calhoun. Such suggestions, however, gave much offence to the great body of Jackson Republicans. Some Western prints, it was said, in commenting on the President's message seem to take it for granted that General Jackson will not be a candidate for re-election, and speculate as to who is to be his successor. That is an idle question, and ought not to be asked till the intentions of our worthy chief magistrate in relation to a re-election are known. He is the choice of the people, and if his health permits, he will no doubt consent to serve a second term. But when the proper time does come to discuss this question the stern Republican principles, the unswerving consistency, the industry, the legal ability and knowledge of men and measures which so distinguish Martin Van Buren will place him before the country as a worthy successor of Andrew Jackson.

We regret to see the unauthorized nomination of Van Buren, said the friends of Calhoun. We regret it because it encourages the hopes of those who, relying on a split in the Republican party, seek to name the next President, and because it cannot benefit the individual whom it proposes to

serve. All this was true, but the people were not ready to believe that Jackson would accept a renomination, and the question of his successor continued to furnish a topic for discussion. Coalition letter writers and coalition prints, an administration editor complained, continue to speak of a successor to General Jackson. Their object is to split the Republican ranks, and with this end in view, they pretend that Van Buren and Calhoun are already in the field. This is false. It is the wish of the party to re-elect General Jackson, a wish that has been publicly expressed in the East, in the West, and in the South. Mr. Van Buren knows this, and a knowledge of it is enough to prevent him holding any such views as are attributed to him by the coalitionists.*

The United States Telegraph,† a newspaper published at Washington, and heretofore looked on as the official organ of the administration, now denied that Jackson was to be a candidate. Such a declaration, the editor said, was ill timed, unadvised, and unauthorized. The first year of the administration had but just ended. For the President to enter at such a time on a new campagn would prejudice all his acts, and give body to the charge of selfish ends and electioneering purposes. Moreover, none could tell what would be the state of the country or of the public mind two years hence. General Jackson might not then be alive, or if alive, might not think that the public will demanded of him the sacrifice of his private comfort.

To this the New York editor replied: Andrew Jackson of Tennessee is a candidate for re-election to the office of President of the United States, and cited some remarks of Senator Grundy of Tennessee. I am not authorized, said the Senator, while speaking on Foot's Resolution,‡ to make this declaration on this floor, but I venture to assert on my own responsibility that the President is a candidate for re-election. If gentlemen will only exercise a little patience, in about two years and a half they can try this question (removal from office) before the great American tribunal—the

* New York Courier and Enquirer, March 12, 1830.

† The United States Telegraph, March 16, 1830.

‡ Register of Debates in Congress, Vol. VI, Part I, 1829–30, p. 217.

People. True, Jackson is a little old, but he is tough and sound, aye, as good old seasoned hickory. With him the West is satisfied, and there need be no doubt that next November two years he will again be chosen President.*

Into the discussion thus aroused the New York Herald, the Mercantile Advertiser, the Richmond Enquirer, and many more journals now entered, and were eagerly debating the question whether the time had or had not come to name a candidate for 1832, when the Republican members of the Pennsylvania legislature settled the question, and in caucus assembled, renominated Jackson.† As Pennsylvania was the first State to present the name of Andrew Jackson to the American people, so read the resolution then adopted, it was but right that she should be among the first to express her sentiments as to the measures of his administration. She heartily approved of them, and believed that the harmony of the great Democratic party would be promoted by once more placing Andrew Jackson before the people as a candidate for re-election. Some newspapers denied this, and maintained that the meeting itself was far from harmonious; that not half the Democratic members of the legislature attended the caucus; that a motion making an absolute nomination was lost; that there was a sharp division between the friends of Van Buren and Calhoun, and that the qualified nomination was made to get rid of a troublesome question.

About a fortnight later the Democratic members of the New York legislature assembled one evening to call a convention, to meet at Herkimer in September, to nominate candidates for governor and lieutenant-governor. Among the resolutions then adopted was one stating that the meeting heartily responded to the sentiment expressed by the Democracy of Pennsylvania, and entertained a lively hope and strong desire that Andrew Jackson would consent to a re-election to the station which he filled with so much honor to himself and usefulness to his country.‡

While the Democrats of New York were holding their

* Register of Debates in Congress, Vol. VI, Part I, 1829–30, p. 219.

† March 31, 1830. Harrisburg Reporter, April 2, 1830.

‡ Albany Argus, April, 1830.

caucus at Albany,* the Jefferson dinner took place at Washington, the President and Vice-President exchanging their famous toasts, and Calhoun from that moment ceased to be a possible candidate for the presidency. From that hour nullification was a living issue, and Jackson became more than ever the candidate of his party. No surprise, therefore, was aroused when in June a caucus of the Democratic members of the legislature of New Hampshire declared that it heartily approved of the nomination by the Democratic members of the legislatures of Pennsylvania and New York of Andrew Jackson as a candidate for the next presidential term.†

So far each nomination had been made by a caucus, but in December ‡ the Senate and House of Representatives of Alabama adopted resolutions, copies of which the Governor sent to the executive of each State in the Union. In them the administration was warmly approved, and Jackson recommended to the good people of the United States for re-election. In Illinois § both House and Senate by large majorities approved the action of Alabama, and declared it highly important to the welfare of the nation that Jackson should serve a second term. In Delaware the two houses voted that they did not consider that the best interests of the nation required the re-election of Andrew Jackson; that his veto of the Maysville Road Bill met with their unqualified disapprobation; and that, as Alabama has expressed her views as to the man who should next fill the presidential chair, Delaware would declare that her choice was Henry Clay.‖ In Massachusetts, after some debate, the Alabama resolutions were laid on the table;¶ but a caucus of National Republican members declared for Clay.**

It was now high time for the President to speak out, and accordingly, the Globe, an administration newspaper just set up at Washington to take the place of the Telegraph, which had gone over to Calhoun, announced that Jackson would be a candidate. It was true that he had declared that one term was enough, but in this the people did not agree

* April 13, 1830. † New Hampshire Patriot, June, 1830.
‡ December 17, 1830. § January 4, 1831. ‖ January 26, 1831.
¶ January 22, 1831. ** February 15, 1831.

with him. Even if Congress sent out a proposed amendment to the Constitution it was morally certain not to be ratified by the States. Did it not require the assent of three-fourths of the States to amend the Constitution? And had not more than one-quarter of them already invited the President to serve a second term? Moreover, no executive from Washington down to the second Adams had ever refused to submit his administration to the scrutiny of a canvass, and himself to the test of a contest for re-election. And would Andrew Jackson retreat under the fire of his enemies? Would he decline the invitations of so many States and refuse the people a chance to pass on his public actions? No! He could not do so without dishonor. He must again be a candidate. Under these circumstances, the Globe declared, it was permitted to say that, if the people called on Jackson to serve a second term, he would not decline the nomination.*

When this piece of good news was known in Harrisburg another caucus of the Democratic members of the legislature was called, and a letter of congratulation addressed to Jackson adopted and signed by the seventy-eight members present.† In reply the President assured them that notwithstanding the hope he had entertained of retiring to the walks of private life at the end of the four years for which he was elected, he was ready, and felt bound to relinquish it, and that his services were at the disposal of the people. ‡ Jackson had now been nominated and had accepted.

The friends of Clay, National Republicans, as they began to call themselves, seemed much inclined, on the other hand, to make use of a new piece of political machinery but lately tested by the Anti-Masons, and hold a great national nominating convention. Some opposed the idea as useless, and held that he was as much in nomination as he ever could be. Others were greatly pleased with the plan, and when the Kentucky State Convention met at Frankfort in December, 1830, it was ordered that if such a convention of friends of internal improvement, domestic industry, and commercial

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* The Globe, January 22, 1831. † February 3, 1831.
‡ February 9, 1831. National Intelligencer, March 2, 1831.

reciprocity were held at Washington or elsewhere, Kentucky should be represented by twelve delegates.* The National Republicans of Erie County also approved, and recommended that the State convention be given power to choose delegates to the national convention.† The National Republican General Committee of New York suggested Philadelphia as the place, and the first Wednesday in September as the day for the meeting of the convention. ‡ A caucus of members of the Maryland legislature proposed that delegates from each State, equal in number to its electors of President, should assemble at Baltimore on the second Monday in December, § a plan at once accepted by a Clay convention at Hartford, ‖ by the National Republican caucus at Portland, which chose delegates to represent Maine,¶ and by a great meeting at Philadelphia.

By this time Illinois and New Jersey had nominated Jackson. In the New Jersey legislature, the committee to whom the Alabama resolutions were referred made two reports: a majority in favor of Jackson, and a minority in support of Clay. From the resolutions thus adopted by legislatures, conventions, public meetings, and in the party caucus, it is possible to make out what may be considered as the platforms of the two parties.

The National Republicans, a name all true friends of the tariff, the bank, internal improvements, and Henry Clay were urged to adopt, believed that the policy and conduct of Jackson had more than made good the forebodings of his opponents in 1828, and exhibited a total incapacity to administer the affairs of government. By recalling able and experienced ministers from foreign missions, that he might fill their places with political partisans, more than one hundred thousand dollars of public money had been wasted. By the appointment of scores of editors of newspapers to important offices the free expression of public opinion had been gagged. He had wantonly attacked the bank of the United States, which had done so much to restore a sound currency,

* National Intelligencer, December 22, 1830. † Ibid., December 29, 1830.
‡ Ibid., February 17, 1831. § Annapolis Republican, February 19, 1831.
‖ National Intelligencer, March 7, 1831. ¶ Ibid., March 7, 1831.

and stop the circulation of depreciated paper and the notes of insolvent banks; he had usurped the powers of the federal judiciary, interpreted treaties, and withheld from the Indians the protection the United States was bound to give; he had, in the short space of twelve months, appointed more members of Congress to office than any other President during his whole term; he had dismissed from office hundreds of honest and faithful public servants because they had preferred another candidate for the presidency, and in so doing had been guilty of an exercise of arbitrary power ruinous to the elective franchise; he had declared that "rotation in office is essential to the preservation of the purity of republican principles," and there seemed to be no reason why he should be exempted from the operation of his own rule.

The Democratic Republicans, as they called themselves, declared that their chief had discharged the duties of his exalted station with an ability and energy which merited the thanks of a great, free, and intelligent people; that his firm stand in defence of the rights of the States as independent sovereignties and his strict adherence to the principles of Jefferson added lustre to his character, and gave him new claims on the gratitude of the American people, and that in consenting to be again a candidate he had yielded to the wishes of the Democracy of the Union.

The announcement by the President of his willingness to be a candidate for a second term was now seized on by Van Buren as a good pretext for resigning the Secretaryship of State.

Both he and the Secretary of War had some time before made known their desire to withdraw, for the social relations of the members of the cabinet had long been broken. Scarcely had that body been called together, when the President was visited by a minister from Philadelphia, who laid before him charges against the character of the wife of the Secretary of War. Proof was demanded, and what was so considered was furnished. But Jackson regarded it as a mass of idle tales of scandal-mongers animated by spite, and took no action till the winter of 1830. A member of Congress then called on him, assured him "that a certain foreign

lady" had formed a plan with the Secretaries of the Treasury and the Navy and the Attorney-General to drive Major Eaton out of the cabinet and his wife from society, and asked if he were tame enough to submit.* Jackson stoutly declared he never would, wrote a vigorous note to the three offenders, and consulted Van Buren and Eaton as to the wisdom of sending it. Van Buren advised him to write no letters, but to call the secretaries before him and read what he had written, lest in the heat of the moment more should be said than was intended.† The advice was taken, the men were summoned, and "from the paper in my hand resting on my knee," Jackson read his words of censure.

The treatment of the Secretary of War and his wife was denounced as unjust in itself and disrespectful to him, and they were told that, if it was true that they had conspired to drive the Secretary of War from the cabinet their conduct was an insult and indignity offered to the President. Without any solicitation, but solely as his own act, Jackson declared, he had brought Major Eaton into his cabinet, and in the firm conviction of the injustice of the imputations which malice had cast upon his wife, he intended to keep him there. "I will not part with Major Eaton," said he, "and those of my cabinet who cannot harmonize with him had better withdraw, for harmony I must and will have."‡ Each one having declared that so far as his "influence went it had always been used differently," and that it was his "wish to harmonize," Jackson "determined not to dismiss them." §

Harmony was not restored. A breach never to be healed and constantly widening had been made, and ere another year went by Eaton expressed an earnest wish to retire. Almost at the same time Van Buren made a like request,

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* Jackson to Eaton, July 19, 1830. Jackson MSS., Library of Congress.

† Jackson to Van Buren, August 8, 1831. Jackson MSS., Library of Congress. My thanks are due to Mr. Herbert Putman, Librarian of Congress, and to Mr. Montgomery Blair, for permission to examine these papers.

‡ Paper read to the Cabinet, July 23, 1830. Jackson MSS., Library of Congress.

§ Endorsement on the paper. An account of this interview was sent to Eaton by Jackson, July 19, 1830.

and each was asked to wait till the President could find a successor. For the new Secretary of War Jackson now selected his old friend, Hugh L. White, of Tennessee, formally tendered the office,* and while waiting for a reply decided to reorganize the cabinet. To permit two members to leave and the others to remain would give good reason for misconception "and malignant misrepresentation concerning their influence" on public affairs. The cabinet, moreover, had come into being "as a unit," and as a unit it should cease to exist.†

About the middle of April, accordingly, the President sent for Ingham, told him of the resignation of Van Buren and Eaton, not then made public, showed him Van Buren's letter, and announced the reasons for reorganizing the cabinet.‡ Later in the day a like interview was held with the Secretary of the Navy, and each promptly resigned. The Secretaryship of State was now offered to Edward Livingston, and that of the Navy to Levi Woodbury.

Meantime Van Buren's letter of resignation was given to the newspapers. It set forth in substance that from the day he entered the cabinet, his anxious wish, his earnest endeavor, had been to prevent too early a discussion of the question, Who shall be Jackson's successor? that he had striven hard to discountenance and, if possible, to put down, the disposition so early shown to connect his name with the disturbing topic. But circumstances, not of his creation and quite beyond his control, had given the matter a different turn. In fine, he was a candidate for the presidency when Jackson had finished his second term, and as such ought not to remain in the cabinet.§

That the resignations of two of the secretaries, Ingham of the Treasury and Branch of the Navy, had been asked for by the President, was made clear by their letters, which at once appeared in the newspapers.‖ But some weeks passed

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* Jackson to White, April 9, 1831. Jackson MSS., Library of Congress.

† Jackson to Ingham, April 20, 1831.

‡ Jackson MSS., April 18, 1831, Library of Congress.

§ Washington Globe, April 20, 1831.

‖ Washington Telegraph, April 22, 24, 1831.

before the cause of the trouble was made public, and the blame, in the meantime, was laid upon Van Buren. The ex-Secretary of State, said one of the party journals, tells the President why he wished to leave the cabinet. The party is divided and distracted about the succession. He himself is now held up as a candidate for the presidency. He is suspected of employing the great influence of his office for the advancement of his own ends. The President is attacked through him. The administration is embarrassed, and objections are raised against it by some of its own party; jealousies are engendered, and there is no knowing to what an extreme these discords may be carried. To put an end to this state of things, to reconcile factions and harmonize the party, to give the administration the united aid of all its friends through the President's two terms of office, Mr. Van Buren has retired from the Department of State. Is there anything mysterious in this? But no pains are spared, no dark insinuations are wanting to rouse the suspicions and resentment of Mr. Branch and Mr. Ingham. It is perfectly consistent that the President should bear testimony to their zeal and yet not wish to retain them. Was not an entirely new cabinet better suited to harmony? A and B may go in if C and D will; but not if E and F remain. However much the opposition may chuckle at the dissolution of the cabinet, it puts them worse off than before. Their plans of sewing seeds of strife between the friends of Van Buren and Calhoun is broken up. Van Buren may be going across the Atlantic. He no longer has the ear of the President, nor the influence of office, nor any of those opportunities he has been charged with abusing. His enemies, therefore, can no longer charge him with using his official position to fan the flame of discord and breed strife in the Republican ranks.*

Mr. Van Buren, said a Clay journal,† will be sent to England to take the place of Mr. McLane, who is to be recalled, and become Secretary of the Treasury. He has played his cards very adroitly, and the expectation is that he will run on the Jackson ticket for Vice-President; that im-

* Richmond Enquirer, May 3, 1831. † United States Gazette, 1831.

mediately after re-election Jackson will resign on the plea of ill-health and increasing infirmities, and that Van Buren will then slide easily into the vacant seat without any reference to the people of the United States.

The motive of the President, said a Calhoun journal,* in desiring Mr. Ingham to withdraw was to prevent his continuance in office from being regarded as a victory by that gentleman over those of the cabinet to whom he is understood to be opposed. The difference between the correspondence of Mr. Ingham and the President and that of Van Buren and the President is striking. Mr. Ingham's letters are as plain as Mr. Van Buren's is ambiguous, and the President's reply is constrained and lacking in that warmth of approbation bestowed on Van Buren. The fact is the President found himself forced to give up Van Buren as a sacrifice to public opinion, but in yielding to the will of the people he determined that Van Buren should not be sacrificed alone, and requested Mr. Ingham to resign. It remains to be seen how this will be relished by the Democracy of Pennsylvania.

The Democracy of that great State were much offended. We rejoice, said one of their journals, to see the manly firmness of our statesman, Mr. Ingham. Feeling no self-condemnation he could not voluntarily join those whose public spirit induced them to cease from their labors for the public good. He is removed from the public councils for a time, said another, but he is not lost to the eyes of the nation.

The cause of removal, however, was still a subject of speculation, when the mystery was much increased by a letter written by Mr. Branch to a friend, plainly stating that want of harmony in the cabinet was the cause of the rupture between Jackson and his secretaries. For this Mr. Branch declared he was in no sense to blame. I went, said he, as far as a man of honor could go in endeavoring to promote a good understanding between the members of the cabinet. But it seems I was expected to go further, and not doing so, have been removed.† Scarcely had this appeared when a letter written to a friend by Mr. Ingham ‡ was made public

* Charleston Mercury, April 29, 1831. † American Sentinel, May 25, 1831.
‡ North Carolina Star.

in which it was stated that official intercourse of the heads of departments with each other and with the President had never been interrupted for a moment, and no difference of opinion as to public measures had ever divided the cabinet in a single instance. Here at first sight was a flat contradiction; but there really was none, for the one referred to the official, and the other to the social intercourse of the members of the cabinet, and the social quarrel to the shame of all concerned was now dragged to light.

In an unsigned paragraph in the Globe, Mr. Eaton called on Mr. Branch to come out like a man, tell what he knew, say what he meant.* Will the Globe deny, said the Telegraph, that Mr. Ingham and Mr. Branch were dismissed because they refused to compel their families to associate with that of Mr. Eaton? Will the Globe deny that in January, 1830, a member of Congress waited on these gentlemen and told them of the determination of the President to remove them unless they complied with his wishes in this respect? Will the Globe deny that Mr. Van Buren availed himself of his peculiar situation to ingratiate himself with the President by urging the propriety of so doing? Inflamed by these queries of the Telegraph, Mr. Eaton now accused Mr. Ingham of having inspired them, sent him a challenge,† and when it was rejected, sought, as Mr. Ingham insisted, to waylay and assassinate him.‡

Mr. John McPherson Berrien, the Attorney-General, now resigned by request,§ and Roger B. Taney was appointed to the vacant post. Mr. Edward Livingston had already become Secretary of State; Levi Woodbury was Secretary of the Navy; Mr. Louis McLane was on his way home from London to be Secretary of the Treasury; and Van Buren had sailed for London as American minister to the Court of St. James. No Secretary of War had as yet been found, but Lewis Cass in time was appointed.

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* Washington Globe, June 4, 1831.

† United States Telegraph Extra, June 21, 1831.

‡ Mr. Ingham to the President, June 21, 1831. United States Telegraph, June 22, 1831.

§ Jackson to Berrien, June 15, 1831. Jackson MSS., Library of Congress.

The belief of Mr. Ingham that his life had been threatened by a band of assassins, composed of the late Secretary of War, the acting Secretary, and some clerks, was wholly groundless and Jackson, after investigation, so assured him.* But he still insisted that his story was true, and repeated it in detail at a great open-air dinner given to him by his admirers after his return to Pennsylvania.† That the dissolution of the cabinet was Jackson's act, that he had been prompted to dismiss the secretaries because they refused to visit the family of the Secretary of War, and that he had sent Mr. R. M. Johnson to them with orders to cease their attempt to force the family of Mr. Eaton out of society, were now considered as established facts, and here the scandalous affair might well have been suffered to rest. But Mr. Branch and Mr. Ingham having stated their cases to the public, Mr. Berrien gave his version, whereupon Mr. Eaton answered all three.

From this humiliating quarrel public attention was now drawn away by the proceedings of a series of national political conventions which assembled during the closing months of 1831.

In repose to the call of the Anti-Masons of New York,‡ an interstate convention was held at Philadelphia in September of 1830, and attended by delegates from nine States. A strong effort was then and there made to nominate candidates for the presidency, but so few States were represented and it was so important that good candidates should be chosen that the question was referred to another national convention to be held at Baltimore in September of 1831.§ The call recommended that each State should be represented by as many delegates as it had members of Congress. But the recommendation was not in every case observed, and four of the thirteen|| States present had one delegate each. William

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* Jackson to Ingham, June, 1831.

† Doylestown Democrat Extra. ‡ March, 1829.

§ The Proceedings of the United States Anti-Masonic Convention held at Philadelphia, September 11, 1830.

|| Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Ohio, Indiana.

Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania, were selected as the candidates of the party, and a long address to the people of the United States was adopted. The qualifications for a good President were stated to be industry, intelligence, honesty, independence, vigilance, sound judgment, and patriotism. As a platform for this combination of so many virtues, as principles to guide him in the administration of government, the convention borrowed from Jefferson's first inaugural speech that famous passage in which he stated the sixteen essential principles of democracy. Were these principles in danger? it was then asked. Did any foe threaten them? They were, the convention believed, in imminent danger, and the foe was freemasonry, and in evidence of this statement the story of the abduction of Morgan and what followed in New York was told again, and all lovers of the country and her institutions were besought to cast their votes and use their influence to exclude freemasons from power.

While the National Anti-Masonic Convention was in session at Baltimore, delegates to a Free-Trade Convention were assembling at New York. The idea of such a meeting originated with Mr. Condy Raguet and some friends, who drew up an address which was published by the Free-Trade journals, and approved by a number of Free-Traders invited to meet at Philadelphia and consider the proposition.

From this gathering came the formal call. All friends of free trade without distinction of party were asked to gather at Philadelphia in September, 1831, and consider what steps should be taken to procure a repeal of the protective system. The response was quick and hearty. This move, it was said, is a peaceful and constitutional measure for uniting the friends of free trade against the bill of abominations. It will bring together the facts, concentrate the arguments, and produce co-operation, a pull, a strong pull, and a pull altogether among the enemies of the tariff from Maine to Georgia. It avoids sectionalism; it avoids nullification, and it avoids submission. The final payment of the national debt, which is near, nay, is very near at hand, will produce a new condition closely connected with the

tariff. To go on taking from the people annually by taxation ten millions of dollars, the amount now paid each year into the sinking-fund, and no longer needed for the current expenses of government when the debt is extinguished, will hazard the existence of the Union. On the other hand, to suddenly cut down the duties on imports till they produce no more revenue than is needed to meet current expenses will cause a scene of ruin which cannot be described. Preparations ought, therefore, to be made at once for an early, gradual, sensible reduction of the tariff to a revenue basis, and the public mind should be prepared for and made familiar with this inevitable event. Now is the time to act. Now is the time to throw upon this subject all the light that can be collected from every quarter.*

In Charleston the idea of a convention was accepted by both parties, and at public meetings of the Free-Trade and State Rights Party, and of the State Rights and Union Party, delegates to the proposed convention were appointed. As the newspapers spread the accounts of these proceedings, little gatherings of anti-tariff men were held in the chief seaports and in a few of the important inland towns, and more delegates were chosen. The movement was in no way the act of the people. Not a meeting, it is said, was attended by forty persons, and frequently all who were sent in the name of a State were appointed by a few Free-Traders assembled in one town or city. Yet the convention was composed of delegations from fifteen States, and had upon its rolls the names of some men well known in this generation.

A long address to the people of the United States was the result of several days' deliberations. It began by reminding all who read it that a body of fellow citizens from different States in the confederation had assembled at Philadelphia to consider the grievances which they suffered under the tariff, and to devise, if possible, a constitutional and peaceful mode of redress. The deep and settled discontent which pervaded many parts of the Union and which came from the tariff was no transient feeling, no momentary excitement likely to pass away on calm reflection. No, it rested

* Richmond Enquirer, July 12, 1831.

on a confirmed belief that the American system was unjust, oppressive, and that Congress had not the power to enact it. The constitutionality of a law was not established by the fact that the judiciary would uphold it. Under the pretence of supplying revenue Congress might lay duties which would stop importation and destroy all revenue. Still, the law would purport to be an exercise of the power to lay and collect taxes, and the court, judging it by what was apparent on its face, would declare it constitutional. Literally and in terms an act might be an execution of an expressly granted power, yet in its operation and effect might not only transcend that power but directly contravene it. In the opinion of a numerous and intelligent portion of the American people the tariff of 1828 was just such an act. It was a palpable abuse of the taxing power, injuriously affected the interests of commerce, navigation, agriculture, and the mechanic arts, gave protection to one kind of labor at the expense of every other, and after the payment of the national debt would produce an immense annual revenue far beyond the needs of the government. As men and brethren, therefore, the delegates appealed to the people to join in an effort to correct this abuse. Before adjournment an effort was made to appoint a committee to confer with the tariff convention soon to meet at New York, but the resolution was indefinitely postponed by a great majority.

The tariff convention about to assemble was the outcome of a meeting of wool growers and manufacturers at New York in May, from which came an invitation to the mechanics, manufacturers, and agriculturists in the several States to appoint delegates to gather at New York in October and form a National Association. The response was hearty, and on the day named five hundred and twenty-five delegates from thirteen States and the District of Columbia met in convention, and another long address was issued to the people of the United States.

But the convention which aroused the greatest popular interest was that of the National Republicans which held its sessions at Baltimore from the 12th to the 16th of December. Seventeen States and the District of Columbia were

represented. No delegates came from South Carolina, Georgia, Illinois, Missouri, Alabama, or Mississippi. The first day was taken up with the details of organization. But on the second the name of Henry Clay was formally presented as the candidate for the office of President of the United States to be supported by those opposed to the re-election of Andrew Jackson. It was then ordered that the roll should be called, and that each member when his name was reached should rise and say "who was his favorite candidate." When this was done, it was found that every delegate present save one had voted for Clay. On the third day John Sergeant of Pennsylvania was nominated for Vice-President.

No platform setting forth the principles and policy of the National Republicans was adopted. An address did duty as such and severely arraigned the conduct of Jackson. He was charged with having removed more persons from office in four months than had his six predecessors in forty years; with recalling foreign ministers unnecessarily, and at great costs to the country, and in a manner discourteous to them and to the governments to which they were accredited; with naming for office men so unfit that they were rejected by the Senate almost unanimously, and then renaming some of them as if to put them into office against the opinions of his constitutional advisers; he had denounced the appointment of members of Congress to office as a great abuse, and had then selected four heads of departments from that body and had appointed other Congressmen to places to an extent heretofore unknown. He had cried out against the corruption of the press by the previous administrations, yet partisan editors were now the most favored class of pretenders to office. He had admitted the constitutionality and expediency of internal improvements, and had then vetoed the most important bills planned to accomplish this purpose. He had sought to destroy the efficiency of the judiciary by favoring the repeal of the twenty-fifth section of the Judiciary Act; had ignored our treaties with the Indians, and had left the unoffending natives to the mercy of Georgia, and had given his countenance to the shameful treatment of the missionaries. By avowing himself the friend of a judicious tariff, and then

recommending to Congress the very policy which had been adopted by the enemies of protection as the best form of attack, he had shown himself the secret enemy of the system, as willing to sacrifice the most important national objects in the vain attempt to conciliate the opposing party feelings of different sections of the country. In his recent message to Congress he had, for the third time, declared his hostility to the Bank, and intimated that he should consider his re-election as an expression of the wish of the people that the Bank should be destroyed. He was fully and three times over pledged to the people to veto any bill that might be passed for rechartering the Bank, and there was little doubt that if re-elected he would try to put the substitute he had recommended, or something like it, in place of the old institution. Were the people of the United States ready for this? Were the farmers of the West ready for this? Were the enterprising, liberal, high-minded, and intelligent merchants ready for this?

The annual message from which the National Republicans took the passage on the Bank was brief and commonplace.

The President, as usual, reviewed our relations with other countries, referred to the removal of the Chickasaws and Choctaws by which the whole of Mississippi and the western part of Alabama would be freed from Indian occupancy, and congratulated the country on the state of the finances. The payment on account of the national debt during the year would exceed sixteen million and a half dollars. The amount which would be applied between March fourth, 1829, and January first, 1832, would exceed forty millions. The day when the debt would be paid in full was therefore so near that some modification of the tariff was imperative at the session then begun. The amendment to the Constitution changing the manner of electing the President and Vice-President and limiting the term of office was again asked for; and the extension of the Circuit Courts to the six States * where they did not exist was recommended. The message closed with a few words on the Bank.

* House Reports, No. 358, 21st Congress, 1st Session, Vol. III, pp. 14, 26, 27.

His remarks in the message of 1829 had been referred in the House to the Committee of Ways and Means. Through its chairman, McDuffie, the committee reported in favor of the Bank, declared it was constitutional and expedient, that it had furnished a circulating medium more uniform than specie, and denounced the plan proposed by Jackson as tending to give the government a patronage dangerous in its character, centralizing in its tendency, and "prodigious in its influence." Jackson was deeply offended, described the Bank as the "hydra of corruption, so dangerous to our liberties by its corrupting influences everywhere, and not the least in the Congress of the Union," * censured the Globe for failing to attack the Bank with vigor, and declared "we must get another organ to announce the policy and defend the administration." †

Biddle was greatly pleased with the report, reprinted an edition at the expense of the Bank, and sent extracts to the newspapers, lest the people should fail to see or read the document, and induced Gallatin to write a long article in defence of the Bank for the American Quarterly Review.‡ To please the administration Jackson men named by Lewis were made directors of the Nashville branch, and confident that all these things would induce the President to yield, Biddle announced his opinion that at the next session of Congress the Bank should apply for a renewal of its charter.§

But when the next session opened Jackson resumed his attack, and the Bank war was on again more fiercely than ever. The press, friendly to the institution, abused the message and derided the President's plan of a bank "as a branch of the Treasury Department." The Globe replied in kind. The Bank put forth the report of McDuffie, Gallatin's Considerations on the Currency, letters from Madison ‖ and Monroe,¶ speeches of Congressmen, and replies to Benton. In

* Reminiscences, etc., James A. Hamilton, pp. 164, 167.

† Jackson to Lewis, June 26, 1830.

‡ American Quarterly Review, November, 1830. Adams Writings of Albert Gallatin, Vol. II, pp. 425–427.

§ Jackson to Gallatin, September 9, 1830.

‖ Niles's Register, Vol. XL, pp. 56, 357.

¶ Niles's Register, Vol. XLI, p. 82.

the House an attempt to send the remarks on the Bank to a select committee was defeated, and no further notice was taken of them. In the Senate leave was refused Benton to introduce a joint resolution "That the Charter of the Bank of the United States ought not to be renewed." In the legislature of New York resolutions against recharter were introduced; in that of Pennsylvania resolutions in favor of recharter were passed; and in that of New Hampshire the friends of Jackson easily carried through a resolution opposing recharter.

By this time the cabinet broke up. The new Secretaries of the Treasury and of State were strong Bank men, and the prospect of renewal was so bright that the stockholders at their annual meeting bade the president and directors apply for a continuation of the charter whenever they thought fit. Indeed, it seemed for a time that Jackson would give his assent. So skilfully was he managed by Livingston and McLane that an understanding was reached. The Bank was not to apply for a recharter till after the election, was then to accept certain changes in the old charter, and Jackson was to approve the bill granting a new lease of life.

In this state of affairs Congress met in December, 1831, and listened with no little surprise to the President's mild remarks on the Bank. He had, he said, in former messages expressed his opinions in relation to the Bank of the United States as at present organized. This he did from a sense of duty in order that the attention of Congress and the people might be aroused and the matter be disposed of in the best manner suited to promote the ends of the Constitution and the interests of the public. This duty performed, he was content to leave it for the present to the investigation of an enlightened people and their representatives.* That an agreement between the President and the Bank had been reached, that a bill to recharter framed by the Secretary of the Treasury and Biddle had been approved by the President before Congress met, was now openly asserted. The Globe denied it on authority. But the New York Enquirer

* Richardson's Messages and Papers of the President's, Vol. II, p. 558.

denied that the Globe spoke with the authority of the President.*

Hard upon the message came a report of Secretary McLane in which the Bank was declared to be constitutional, expedient, indispensably necessary, and entitled to a strong claim on the consideration of Congress in any future legislation.†

The agreement between McLane and Biddle was to the effect that the Bank should not petition for recharter till after the election. From this position Biddle was now driven by a passage in the address of the National Republican Convention, by the statement of Clay that "now or never was the time to act with any chance of success," that "any delay to memorialize, especially after the action of the stockholders on the subject," would be "an electioneering step" against him; ‡ by the advice of Webster that "it is expedient for the Bank to apply for the renewal of its charter without delay";§ and, above all, by the urgency of McDuffie.‖ Again and again McLane warned the friends of the Bank not to think of such a thing.¶ But Biddle yielded, and early in January notified McDuffie that an application would be made and promptly forwarded the petition to Dallas. Three days later the memorial was accordingly presented in the Senate by Dallas, and for a month no more was heard of the matter.

The tariff issue, however, was taken up at once, for the discontent in the planting States, the threats of nullification by South Carolina, the nearness of the day when the debt would be extinguished and a surplus accumulate in the treasury, and the appearance of resolutions calling for a reduction in the rates of duties on foreign imports, left no doubt that a revision of some kind must be made in the tariff before the session ended. That there might be uniform action in both Houses, Clay assembled such Senators and Representatives as were friendly to protection. He knew full well, he said, that the revenue must be cut down. But

* Niles's Weekly Register, January 7, 1832.

† House Executive Documents, 22d Congress, 1st Session, Vol. I.

‡ Catterall. The Second Bank of the United States, p. 216, note.

§ Ibid., p. 218. ‖ Ibid., pp. 218, 219. ¶ Ibid., p. 220.

in making the reduction the American System must not suffer; the protective duties must not be touched. He would lessen the revenue by taking off the duties on such articles as did not come into competition with American products, and by making other duties prohibitory. When told that such a course was no better than a defiance to the South, the President, and the Democratic party, he replied that "to preserve, maintain, and strengthen the American System, he would defy the South, the President, and the devil."

While in this state of mind on the day on which Dallas presented the memorial from the Bank, Clay moved that all existing duties on articles imported from foreign countries and not coming into competition with like articles made or produced in the United States ought to be abolished, save duties on wines and silks, which ought to be reduced, and that the Committee on Finance be instructed to report a bill accordingly. Hayne would have all duties so reduced that the revenue should be just sufficient to meet the cost of government after the national debt was paid; would allow a reasonable time for the gradual reduction of duties on articles coming into competition with those of a like kind made or produced in our country; and would then have all duties so equalized that the tax imposed on no one article should, as compared with its value, vary materially from the general average.

In the course of the long debate which went on before the resolution was sent to the Committee on Manufactures, Clay spoke twice with great effect. Indeed, one of his speeches, universally admired at the time, served as a storehouse of protectionist's arguments for many years to come, and is deservedly considered as entitled to a place among his really great efforts.

The committee having reported a bill as instructed, it was laid on the table, and was still quietly reposing there when a bill to alter the tariff came up from the House of Representatives. That body, at the request of the Committee on Manufactures, had called on the Secretary of the Treasury for information concerning the tariff, and for "such suggestions as he might think useful with a view to

the adjustment of the tariff after the payment of the public debt." * McDuffie had reported a like resolution from the Committee of Ways and Means,† but now, without waiting for Secretary McLane to report, he presented a bill from the same committee. ‡ This called for an immediate reduction of duties of every sort, save those on iron, steel, salt and sugar, cotton-bagging, hemp, and flax, and everything made of cotton, wool, and iron to a uniform basis of twenty-five per cent *ad valorem*. On the articles named the duties were to come down gradually, falling to twenty per cent *ad valorem* at once; to eighteen and three-quarters per cent on June thirtieth, 1833; and to twelve and a half per cent one year later.

While men of all shades of opinion on tariff reform were anxiously awaiting the report of the Secretary, an incident of no little significance happened one day in the House. Among the new members who at the opening of the session took the oath of office was John Quincy Adams. In the arrangement of committees he had been placed at the head of that on Manufactures, and in the course of its meetings had spoken strongly against the tariff resolution of Clay, and had said to one of the members of the House from South Carolina that he thought the tariff oppressive to the South, and believed that a great reduction in rates was due to the people of that section.§ Sentiments of this sort from a man of his force and character had greatly pleased his Democratic colleagues, and led the less extreme among them to hope that from the Committee on Manufactures would come a bill the Southern members could support. When, therefore, in March Adams stood up in his place and asked to be relieved from further service on the Committee on Manufactures, because he had been appointed on the committee to investigate the affairs of the Bank of the United States, member after member rose to protest. Mr. Cambreling of New York was the first to object. He firmly believed that at the present crisis, the harmony, if not the life of the Confed-

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* January 19, 1832. † January 16, 1832. ‡ February 8, 1832.
§ W. B. Mitchell to Poinsett, January 10, 1832. Poinsett MSS.

eracy, hung upon the arduous, prompt, and patriotic efforts of a few eminent men, and he was sure the gentleman from Massachusetts could do much good where he was. Barbour of Virginia declared "with unaffected sincerity" that the gentleman had done his duty in committee with a spirit and temper that commanded grateful acknowledgment and aroused the highest admiration. He would appeal to him as a statesman, a philanthropist, above all, as an American, to withdraw his request. Drayton of South Carolina hoped Adams might not be excused from a position where he might be the means of maturing measures which, stamped with his authority, might calm the excitement which, if it did not endanger the life of the Union, destroyed public tranquillity and threatened consequences deeply to be deplored by every lover of his country. Mr. Bates of Maine had little thought that he should look to Mr. Adams as the one man in the Union capable of taking the high stand of umpire, the only man able to prevent the dire catastrophe which seemed to hang over the country. Everett of Massachusetts, Stewart of Pennsylvania, Mercer of Virginia, and Wayne of Georgia, in language quite as complimentary, asked that the motion be withdrawn, and to this Adams consented.

Thus encouraged, nay, almost forced, to remain at the head of his committee, Adams went hard to work, and while he labored, the report and bill of the Secretary of the Treasury were laid before the House. The Secretary proposed a repeal of the act of 1828 after March 3, 1833, and a limitation of the revenue to be raised by the new law to the expenditures of government. Fifteen millions a year he thought ample to meet the needs of the government, and as three millions might be counted on from the sale of public land, he proposed to cut down the revenue yielded by the duties on imposts to twelve million dollars, and so dispose the rates as to afford adequate protection "to all great national interests" involved.

The Committee on Manufactures, taking the Secretary's bill as the one serious proposition before the House, made such changes as seemed fitting, and reported what became known as the Adams Bill. The House now laid aside the

bill from the Committee of Ways and Means which it had been considering and took up that reported by Adams.

While the discussion dragged on, meetings were held in the tariff States to condemn both bills. The legislatures of Pennsylvania and Connecticut passed resolutions. Great meetings in many places, from Boston to Opelousas in Louisiana, expressed the alarm the people felt for the safety of the American system. To such appeals the House was deaf, and late in June passed the Adams bill, after many alterations, by 132 yeas to 65 nays. Some amendments were made by the Senate. Of these the House accepted a few, and the Senate receding from the others passed the bill, and the President approved it on July 14th.

While Congress was laboring with the tariff, Biddle was busy in behalf of the Bank. At his request the friends of that institution secured from the legislature of Pennsylvania by a vote almost unanimous a resolution instructing the Senators and requesting the Representatives to vote for a recharter. Senator Dallas was at once urged to take this to Jackson, tell him not to disregard the voice of Pennsylvania, and offer to accept any bill he would approve. Livingston was asked to carry assurances to Jackson that if he would draw the charter with his own hand the Bank would accept it.* The terms on which the President would sign a bill were finally stated and all seemed accomplished, when the enemies of the Bank in Congress demanded an investigation of its affairs. The committee was partisan, and was intended to be so by the speaker who appointed it. The report of the majority was against the Bank, as every man knew it would be. But the report of the majority was as complete a vindication as the best friend of the institution could desire. With Jackson, however, it went for nothing. His worst suspicions were confirmed by the action of the majority, and from the day he read its report he became the Bank's most implacable foe.

Had Biddle been wise he would instantly have withdrawn the memorial and courted a searching examination. This he would not do, and, deaf to the warnings of members

* Catterall, Second Bank of the United States, pp. 225, 226.

of the cabinet, went on, and late in May the Select Committee of the Senate to which the memorial was sent reported a bill to continue the charter for fifteen years from its expiration March third, 1836. Five changes in the old charter were suggested, not because they were necessary, but in a spirit of compromise or concession,* and a bonus of five hundred thousand dollars payable in three annual instalments was exacted. Some amendments were made in the course of debate, but the bill was passed substantially as reported early in June, received the approval of the House on the third of July, and the following day went to the President. The House had fixed the ninth of July as the date for adjournment, but when that day came the Senate, at the suggestion of Clay, changed the date to the sixteenth, in order that more than ten days, exclusive of Sunday, might intervene between the receipt of the bill by Jackson and the end of the session, for Clay was determined that it should be signed, vetoed, or become a law without the President's signature.

Jackson needed no such defiance, and on July tenth returned the bill to the Senate with a message which had much the appearance of a campaign document. In it the Bank is denounced over and over again as a monopoly, unauthorized by the Constitution, subversive of the rights of the States, and dangerous to the liberties of the people, a monopoly granted without any fair return, managed by a few rich men, exercising despotic sway over the business of the country, and drawing immense sums from the earnings of the American people. He objects to the new charter because it retains most of the odious features and objectionable principles of the old institution. Foreigners may buy its stock, the States may not tax it, Congress may not charter a rival, and it had been granted many privileges neither "necessary" nor

* The corporation was to have authority to appoint two or more officers to sign and countersign notes under one hundred dollars, instead of requiring that duty of the president and cashier. No notes of less than fifty dollars were to be issued unless payable at the bank or branch where issued. No real estate was to be held longer than two years unless necessary for the transaction of business. In no State were there to be more than two branches, and not more than one unless more already existed. The bank must receive at any of its branches, in payment of State bank balances, notes issued by any other branch.

"proper" to enable the government to carry on its fiscal concerns. To the old argument that precedent and the decision of the Supreme Court had settled the question of constitutionality, Jackson replied that precedent was a dangerous source of authority, and that Congress, the executive, and the court must each for itself be guided by its own opinion of the Constitution. "Each public officer," said he, "who takes an oath to support the Constitution, swears that he will support it as he understands it, and not as it is understood by others." "The opinion of the judges has no more authority over Congress than the opinion of Congress has over the judges, and on that point the President is independent of both."

The parts of the message which were read with deepest interest by the mass of the people were those in which Jackson appealed to what was called the natural hatred of the rich by the poor. The president, directors, and stockholders of the Bank were held up and described as "a favored class," enjoying "exclusive privileges," as "opulent citizens," "chiefly of the richest class." "It is much regretted," said the President, "that the rich and powerful too often bend the acts of government to their selfish purposes."

Distinctions, he continued, there must be under any government, for equality of talents, education, and wealth could not be produced by human institutions. But when the law attempted to add artificial distinctions to these natural advantages, when it undertook "to grant titles, gratuities, and exclusive privileges to make the poor poorer and the potent more powerful, the humble members of society, the farmers, mechanics, and laborers, who have neither the time nor the means of securing like favors to themselves, have a right to complain of the injustice of their government." There were, he thought, no necessary evils in government. They arose from the abuse of government. If a government would confine itself to equal protection, and "shower its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing." But this was exactly what our government had often failed to do. "Many of our rich men have not been content with equal protection and equal benefit,

but have besought us to make them richer by acts of Congress. By attempting to gratify their desires we have, as the results of our legislation, arrayed section against section, interest against interest, and man against man in a fearful commotion which threatens to shake the foundations of our Union."

Such were the sentiments which had weight with the mass of the people. But the parts of the message against which Clay and Webster thundered in the Senate and which Benton labored to defend were of a graver sort—the charge that the Bank was ruining the West by drawing its money eastward; the complaint that while the States might tax the houses, lands, and cattle, beasts of burden, tools and wagons of their citizens, they could not tax the business nor the property of the Bank; and the doctrine that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it, and not as it is understood by others."

In the end the Senate failed to pass the bill over the veto, and the question of recharter went down to the people and became an issue in the campaign, then well under way.

The Anti-Masons and the National Republicans having placed their candidates before the people, and Jackson having been nominated by his friends in the legislatures of Alabama, Pennsylvania, New Jersey, and Illinois, it remained for the Democrats to complete their ticket by the selection of a vice-presidential candidate. The choice of Jackson was Van Buren, and to bring about his nomination Amos Kendall in the summer of 1831 induced the Democrats in the New Hampshire legislature to call for a national convention to meet at Baltimore in May, 1832, to select a Vice-President. Conventions being the rage of the day, the call was quickly responded to, but whether Van Buren, or Mahlon Dickerson of New Jersey, Buchanan, Dallas, or Wilkins of Pennsylvania, or John McLean of Ohio would be named was still a matter of some doubt when the action of the enemies of Jackson brought Van Buren to the front.

Almost as soon as Congress assembled the message was sent to the Senate nominating him to be envoy extraordinary

and minister plenipotentiary of the United States at the Court of St. James. That he would not be confirmed had been openly asserted, and several reasons had been given. Mr. Van Buren, it was said, was the first to introduce party politics into the Senate as good ground for the rejection of nominations, and should now be made to take a dose of his own medicine. But if other reasons were wanted they could be found in his opposition to sending Mr. Sergeant on the Panama mission, in his instructions to Mr. McLane, in the negligence which marked his whole administration, and in the part he bore in the disgraceful scene in Washington which ended in the disruption of the cabinet. This prediction the Senate now proceeded to make good. As a first sign of disapprobation nearly three weeks were allowed to go by before the message was even considered. It was then sent to the Committee on Foreign Relations, which, after a fortnight's delay, reported favorably. A motion was next made to recommit the nomination with instructions to the committee to investigate the causes which brought about the resignations of the Secretaries of State and War, and the removals of the Secretaries of the Treasury and the Navy and of the Attorney-General; to report whether there were any other reasons than those given in the letters of the President; and to find out if Van Buren "participated in any practices disreputable to the national character" and calculated to smooth "the way to his appointment to the high office to which he has been nominated." After some debate this motion was tabled. Another to proceed to consider the nomination was likewise tabled by the casting vote of Calhoun. Next day, on motion of Mr. Marcy of New York, the Senate resumed consideration of the nomination, debated it for two days, and then by the casting vote of Calhoun refused to advise and consent to Van Buren's appointment.*

The opposition of the twenty-three Senators who with the Vice-President voted no, rested on Van Buren's letter to Mr. McLane, and on the part he was believed to have had in the breaking up of the cabinet, and it was in the course

* Executive Journal, December 7, 27, 1831; January 10, 13, 25, 1832.

of the debate thereon that Clay made the attack on the methods of New York politicians which drew from Marcy his famous reply. "It may be, sir," said he, "that the politicians of New York are not so fastidious as some gentlemen are as to disclosing the principles on which they act. They boldly preach what they practise. Where they are contending for victory, they avow their intention of enjoying the fruits of it. If defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule that to the victors belong the spoils of the enemy."

When the report of the debate was published, when the reasons which were given by those who voted for rejection were known to the people, Van Buren became, in the eyes of his friends, a much abused man who must be avenged at the polls. Democratic journals cried out at the coalition of Calhoun, Clay, and Webster. Indignation meetings at Philadelphia, New York, and Albany denounced the Senate. Van Buren's followers in the New York legislature sent a long letter of condolence to the President, and secured one longer yet in reply. In it Jackson denied that Van Buren was in any way concerned in, or in the least responsible for, the resignations and removals of the late secretaries; he declared that such parts of the instructions to Mr. McLane as were objected to by the Senate came from him, not from Van Buren, and were the results of his own deliberate investigations. The Jackson members of the New Jersey legislature in caucus assembled voted that the rejection of the nomination was an act of wanton, unprecedented, and totally unjustifiable party violence, and that while Mahlon Dickerson was New Jersey's first choice for the vice-presidency, Van Buren was her second, and the delegates to the national convention were requested to support him. At a legislative caucus of New York Democrats held to appoint delegates to the Baltimore convention, Clay and Webster were rebuked by name, and a very plain hint given that Jackson and Van Buren should be the Democratic candidates.

The convention whose duty it had thus become to name a candidate for the vice-presidency, the first national conven-

tion ever held by the Democratic party, assembled at Baltimore May twenty-first, 1832.

The rules provided that each State should have as many votes as it had electors of President and Vice-President; that two-thirds of the whole number of votes in the convention should be necessary to a choice; that the votes of each State should be cast by some one appointed by the majority of its delegates; and that there should be no formal nomination of candidates. The ballots having been deposited at the secretaries' table, and counted in accordance with these rules, it appeared that two hundred and eight had been cast for Martin Van Buren, twenty-six for Richard M. Johnson, and forty-nine for Philip P. Barbour. Later in the day the nomination was made unanimous.

The convention had bent to the will of Jackson, who, from the day the Senate rejected Van Buren, became more determined than ever that the humiliated minister should preside over the body that had so wantonly affronted him. But there were Democrats in three States who stoutly refused to yield to the President's wishes. In March a State convention in Pennsylvania nominated for Vice-President William Wilkins, "a favorite son of Pennsylvania, in whom she is well pleased," and gave as a reason that it was high time her claims to some great national office were recognized. While her sister State of New York had given to the nation three Vice-Presidents, while the North, the South, the East, the West had given to the nation Presidents and Vice-Presidents, Pennsylvania, devoted to Republican principles, sought no other distinction than the conscientious conviction of her devotion to a great cause. Now she presented a candidate of her own.*

In June a gathering of friends of Jackson at Charlottesville, Virginia, repudiated Van Buren and chose Philip P. Barbour. A week later delegates from eighteen counties of North Carolina endorsed his nomination because of his bitter hostility to the tariff.

In May the Young Men's National Republican Conven-

* Proceedings of the Democratic Convention held at Harrisburg, Pennsylvania, March 5, 1832.

tion, Clay's Infant School, as the Jackson Republicans called it, assembled at Washington and framed a platform much in the fashion of our day.* An adequate protection to American industry was declared to be indispensable to the prosperity of the country, and a uniform system of internal improvements supported by the general government in the highest degree calculated to give harmony, strength, and permanence to the republic. The Supreme Court was recognized as the final arbiter in all questions arising under the Constitution and laws of the United States, and all attempts to overcome the deliberations of the Senate by the press or by the President were held to deserve the indignant reprobation of every American citizen. The indiscriminate removal of public officers for a mere difference of political opinion was an abuse of power, and the doctrine that "to the victors belong the spoils of the enemy" was pronounced hurtful to the interests, corrupting to the morals, and dangerous to the liberties of the people. The administration was charged with a disposition to accept the advice of the King of Holland touching the northeastern boundary, thereby showing a total lack of American feeling, and the arrangement with Great Britain relative to the colonial trade was declared to have been procured in a manner derogatory to the national character.

Into the campaign which followed, the American System, save in South Carolina, scarcely entered. The tariff bill of 1832 was declared to be final and permanent, and was considered to have put that long-vexed question at rest. The issue which Clay strove to bring before the people was the new charter for the Bank, and in this both Jackson and his party were quite willing to aid him. And well they might, for in an appeal to the voters on such a question they were perfectly safe. Hundreds of thousands of voters had never seen one of its branches, nor one of its notes, nor ever had a cent on deposit in its vaults. It was in State bank paper that they received their wages, made their purchases, discharged their debts. To them the United States Bank was

* Proceedings of the National Republican Convention of Young Men which assembled in the City of Washington, May 7, 1832.

almost as much a foreign corporation as the Bank of England or the Bank of France. They knew little of it, and cared nothing for it, and when told by their political leaders that it was "a monster monopoly," that it kept up the rates of interest, made money scarce, hoarded specie, and was bent on defeating Andrew Jackson they readily believed all that was said. When Benton in his speech in defence of the veto asserted that "the Bank is in the field as a combatant, and a fearful and tremendous one, in the presidential election," that "if she succeeds there is an end of American liberty, an end of the Republic," that the Bank was now against Jackson; that if he was defeated the whole government would fall into the hands of the money power; that an oligarchy would at once be established, and that oligarchy would in a few generations ripen into a monarchy, he described the situation exactly as it appeared to the great mass of Jackson Democrats.

The National Republicans, however, hailed the veto with delight, and their journals expressed the hope that it would be given the widest publicity. Nothing would so surely demoralize and scatter the President's followers. For a time, indeed, it seemed that these hopes might be realized, for it became quite the fashion in some States for "former supporters of Jackson" to meet, hear speeches, and publish resolutions expressing their disgust at his policy and their determination to vote for Clay. But the party, on the whole, was benefited by the veto. Benton's words, "You may continue to be for *a* bank and for Jackson, but you cannot be for *this* Bank and for Jackson," were felt to be true, and many a Bank Democrat who had voted for recharter found it necessary to appear before an anti-bank meeting, make a recantation, and cry out lustily against "the enemy of Jackson," "the monster monopoly."

The National Republicans in their campaign relied chiefly on addresses, pamphlets, printed speeches, tracts of all sorts, which were read by the merchants, manufacturers, professional men, but not by the masses. The Democrats trusted to speeches, mass meetings, and appeals to the people face to face. Both sides made use of cartoons, which now

began to play a great part in politics. In one of these Mother Bank is sick abed, and Webster, Calhoun, and Clay, her physicians, are in close consultation, while Jackson looks on through a window. In another, Van Buren has just landed in England, and is on his knees before the King, who exclaims: "Welcome, my friend. Here, take and kiss our royal hand." Webster, standing on the shore of the United States, has caught Van Buren with a harpoon labelled "Instructions to Mr. McLane," and as he spears him across the water says: "I think I have made a pretty good catch this time. My harpoon has struck to some purpose." To the people "Old Hickory" was invariably presented as the man of the people fighting in their behalf against the money power. The National Republicans made much of Marcy's doctrine that "to the victors belong the spoils of the enemy." The assertions of Jackson that each public officer who takes an oath to support the Constitution swears he will support it as he understands it and not as it is understood by others; that the opinion of the Supreme Court has no more authority over Congress than the opinion of Congress has over the judges, and that the President is independent of both, were held up as unmistakable signs that the President was fast turning into an autocrat. For, if he was independent of the Supreme Court and of Congress, and free to interpret the Constitution as he understood it, what was there to restrain him?

In South Carolina public interest was not centred in the struggle for the presidency, but in that for a State convention to nullify the tariff. There could be no nullification without a convention; no convention unless the Legislature called it; and no call unless two-thirds of the members of each house approved. Toward the election of the number required the Free-Trade and State-Rights party, therefore, bent all its energies.

Lest activity should not be sufficiently aroused, the nullifiers of the South Carolina delegation in Congress addressed their constituents immediately after the passage of the tariff bill, told them that the issue was now in their hands, and that it was for them to decide whether the rights and liberties

they had received from an illustrious ancestry should be tamely surrendered without a struggle, or transmitted undiminished to their posterity. They had already chosen the latter course, and Nullify! Nullify! became the watchword of the hour. "You will naturally inquire," said Judge Clayton at a public dinner, "what is to be done? Submit? Certainly not. No freeman will submit. I advise, then, the most peaceful remedy, and, strange as it may seem, I advise nullification." He then gave as a toast: "The late tariff act. It is now a plain case—Liberty or Submission! He that dallies is a dastard. He that doubts is damned." "The question," so ran an address from a Free-Trade and State-Rights meeting at Charleston, "is now distinctly put—Will you submit to the unjust oppression and unconstitutional taxation of a reckless majority in Congress, or apply the remedy? To us the choice is slavery or freedom."

Nullification tracts, pamphlets, and speeches were scattered not only over South Carolina, but over the neighboring States of Georgia and North Carolina as well. Speakers went about telling the voters that nullification was a peaceable remedy, and that the Federal Government would not resist. The process, it was said, is short and simple. The people in convention assembled will declare that the tariff laws are no longer binding on the citizens of South Carolina; the legislature will then forbid the collection of duties on pain of death; and the judges, juries, and sheriffs will see to it that, if necessary, the penalty is applied. That there might be no doubt about the peaceful character of nullification, Governor Hamilton called on Calhoun to elaborate a letter written to a newspaper in 1831, and state more fully the principles and consequences of the doctrine. The Vice-President at once complied, and in his letter to Hamilton gave most comforting assurances that nullification was "the great conservative principle" of the Union, and showed how impossible it would be for the general government to resist.

The Union and State-Rights party made a stout fight, and combated this doctrine in every way it could. At a convention held at Columbia nullification was condemned,

and assurance given of the readiness of the Union party to join with the Free-Trade and State-Rights party in any constitutional effort to secure a redress of grievances; a call was made for a Southern convention of delegates from Virginia, North Carolina, Georgia, Alabama, Mississippi, and Tennessee to determine the mode and measure of redress, and the Union party pledged to abide by the decision. But the current of popular opinion ran strongly against them, and when the election was over more than two-thirds of each branch of the legislature were "nullies."

Power having thus been acquired, no time was lost in using it. The Governor at once called a special session of the legislature; the legislature ordered a convention; and on the nineteenth of November one hundred and thirty-six nullifiers and twenty-six Union men met in the Hall of Representatives at Columbia. As the president and one hundred and twelve members made a quorum, the Union men were not even a respectable minority, and had every one of them stayed at home the work of the convention would not have been obstructed in the slightest.

The duty of the convention, as laid down by the legislature, was to take into consideration the acts of Congress for the protection of manufactures, "or other unauthorized purposes"; to devise means of redress, and to decide what should be done in the event of Congress taking steps to collect the duties by force. A committee of twenty-one was accordingly appointed to do the bidding of the legislature, and as soon as possible reported an ordinance of nullification, an address to the people of South Carolina, and another to the people of the United States. Each was adopted by a strict party vote, and the afternoon of Saturday, the twenty-fourth of November, was fixed as the time for signing the engrossed copy of the ordinance. At the suggestion of the committee seven old soldiers of the War for Independence were invited to put their names to the head of the roll, and when they had done so, the rest of the nullifiers came up and signed in alphabetical order. When all had written their names, and some other business had been disposed of, the president rose, and, holding up the parchment, said, "I do

announce that this ordinance has been adopted and ratified by the good people of the State of South Carolina assembled in their highest sovereign capacity." After a few words by the president and a prayer, the convention adjourned, subject to the call of the President at any time prior to the twentieth of November, 1833.

The ordinance ordained and declared that the tariff acts of May nineteenth, 1828, and July fourteenth, 1832, were null and void and no longer binding upon the State, its officers, or its citizens; fixed the first of February, 1833, as the day whereon nullification should go into effect, and bade the legislature adopt such measures and enact such laws as might be necessary to put it into effect. Should there arise in a State court a case calling in question the authority of the ordinance, or the validity of the acts of the legislature passed in obedience to the ordinance, there was to be no appeal to the Supreme Court of the United States. Nay, the person attempting to take an appeal was to be dealt with as for contempt. Every man holding any office of honor, profit, or trust, civil or military, under the State, members of the legislature alone excepted, was required to take an oath well and truly to obey the ordinance, and such acts as the legislature might enact to enforce it, or lose his place. Finally, the government of the United States and the people of the co-States were warned that the people of South Carolina would not submit to the use of force to reduce the State to obedience. Any act passed by Congress, and intended to coerce the State, shut up her ports, destroy or harass her commerce, would be a just cause for secession, and the people of South Carolina, absolved from all political connection with the people of the other States, would organize a separate government, and do all other things which a sovereign and independent State had a right to do.

By this time the choice of presidential electors had been made in the States, and the results so eagerly expected were being announced. In Maine the hopes of the Clay Republicans had been high because of the willingness of Jackson to accept the boundary-line drawn by the King of Holland, and cede a large part of the territory claimed by the State. But

Maine cast her ten votes for Jackson and Van Buren. In New York and Ohio the National Republicans accepted the Anti-Masonic electoral tickets, but even this fusion did not save them from defeat. Pennsylvania, where the Democrats were wise enough to run no ticket in opposition to the Wilkins electors, and Virginia, were both carried by Jackson. New Jersey, to the surprise of everybody, gave nearly five hundred majority to Jackson, a result attributed to the Anti-Masons. South Carolina threw away her vote on John Floyd of Virginia and Henry Lee of Massachusetts. Clay carried six States; Wirt secured the vote of Vermont; and Jackson that of all the others.*

Electors.	* States.	President.				Vice-President.					Manner of Choosing Electors.
		Andrew Jackson, Tenn.	Henry Clay, Ky.	John Floyd, Va.	William Wirt, Md.	Martin Van Buren, N. Y.	John Sergeant, Penn.	William Wilkins, Penn.	Henry Lee, Mass.	Amos Ellmaker, Penn.	
10	Maine	10	..	..	..	10	..	..	..	..	General Ticket.
7	New Hampshire	7	..	..	..	7	..	..	..	..	" "
7	Vermont	..	..	..	7	..	..	..	..	7	" "
14	Massachusetts	..	14	..	..	..	14	..	..	..	" "
4	Rhode Island	..	4	..	..	..	4	..	..	..	" "
8	Connecticut	..	8	..	..	..	8	..	..	..	" "
42	New York	42	..	..	..	42	..	..	..	..	" "
8	New Jersey	8	..	..	..	8	..	..	..	..	" "
30	Pennsylvania	30	..	..	..	..	..	30	..	..	" "
3	Delaware	..	3	..	..	..	3	..	..	..	Four Districts.
10	Maryland	3	5	..	..	3	5	..	..	..	General Ticket.
23	Virginia	23	..	..	..	23	..	..	..	..	" "
15	North Carolina	15	..	..	..	15	..	..	..	..	Legislature.
11	South Carolina	..	..	11	..	..	..	..	11	..	General Ticket.
11	Georgia	11	..	..	..	11	..	..	..	..	" "
7	Alabama	7	..	..	..	7	..	..	..	..	" "
4	Mississippi	4	..	..	..	4	..	..	..	..	" "
5	Louisiana	5	..	..	..	5	..	..	..	..	District "
15	Kentucky	..	15	..	..	..	15	..	..	..	General "
21	Ohio	21	..	..	..	21	..	..	..	..	" "
9	Indiana	9	..	..	..	9	..	..	..	..	" "
5	Illinois	5	..	..	..	5	..	..	..	..	" "
4	Missouri	4	..	..	..	4	..	..	..	..	
288		219	49	11	7	189	49	30	11	7	

145 majority.

POPULAR VOTE.

States.	Jackson.	Clay.	Wirt.
Maine	33,291	27,204	811
New Hampshire	25,486	19,010	
Vermont	7,870	11,152	13,106
Massachusetts	14,545	33,003	14,692
Rhode Island	2,126	2,810	
Connecticut	11,269	17,755	3,335
New York	168,497	154,896	
New Jersey	23,856	23,393	468
Pennsylvania	90,983	56,716	
Delaware	4,110	4,276	
Maryland	19,156	19,160	
Virginia	33,609	11,451	
North Carolina	24,862	4,563	
South Carolina	Legis	lature	
Georgia	20,750		
Alabama			
Mississippi	5,919		
Louisiana	4,049	2,528	
Ohio	81,246	76,539	509
Indiana	31,552	15,472	
Illinois	14,147	5,429	
Missouri	5,192		
Kentucky	36,247	43,396	
Tennessee	28,740	1,436	
	687,502	530,189	

CHAPTER LVIII.

NULLIFICATION PUT DOWN.

South Carolina having made good her threats, performed her part, and nullified the tariff, it remained to be seen if the President, the co-States, and Congress would do their duty with equal energy. Just what the President ought to do was a subject for much diversity of opinion. Some thought he should call out the troops, blockade the port of Charleston, and collect the revenues, if need be, at the point of the bayonet. From this Webster dissented. The President, he told a convention assembled at Worcester, has no authority to blockade Charleston, no authority to employ military force till duly required to do so by law and by the civil authorities. It was indeed his duty to cause the laws to be executed and to support the civil authorities; but all this must be done in compliance with law and the decisions of the proper tribunals. He, for one, raised his voice against the unauthorized use of an armed force under the pretense of putting down nullification.

Governor Hamilton, on the other hand, was sure this was just what Jackson would do. "We claim," he said, in his annual message to the legislature, "that our remedy is of a pacific kind. When we set up this claim all we mean to say is that of right it ought to be, and so far as we are concerned it shall be, peaceful. But the final issue may be adverse to this hope and we must be ready for the alternative." He asked, therefore, for two thousand volunteers to hold Charleston and its dependencies, for ten thousand troops to defend the State, for money to mount some heavy guns, and

suggested that the President be requested to remove the United States troops from Charleston.

But what, meantime, was Jackson doing? While the campaign was on and before the election was held in South Carolina, he wrote to the Secretaries of the Navy and of War that efforts were being made to disaffect the officer of the navy in command at Charleston and the officer in charge of the forts, and called on them to see to it that such officers and troops as could not be corrupted by the nullifiers were stationed in Charleston.*

After the election, and before the legislature met, the Union men assembled and resolved to oppose nullification and to support the laws of Congress. Poinsett promptly informed the President of this determination, and called for help. The nullifiers, he said, were convinced that no action would be taken against them, that the triumph of Calhoun was complete; and that, when the time came, they intended, under an act to be passed, to proceed by replevin, and if the collector resisted, as he surely would, to imprison him or break into the Custom House. If the government did not intend to submit, more troops should be sent, hand grenades and ammunition stored in the citadel, and every nullifier turned out of office. The Custom House where the battle would be fought was full of them; the Post-Office was in a like condition, so that he did not dare deposit a letter addressed to the President.†

Aroused by this appeal, Jackson bade the Secretary of War command the officers in charge of the forts in the harbor to be vigilant and guard against a surprise by day or by night, and defend the forts "to the last extremity." ‡ The warning was immediately sent; artillery was hurried from Fort Monroe to Fort Moultrie; General Scott was despatched to Charleston; troops were assembled at Augusta, and the Experiment and the Natchez detailed to cooperate with the

* Jackson to the Secretary of the Navy. Hermitage, September 11, 1832. Jackson MSS., Library of Congress.

† Poinsett to Jackson, October 16, 1832. Jackson MSS., Library of Congress.

‡ Jackson to the Secretary of War. Confidential. October 29, 1832. Jackson MSS.

forts and act on the defensive. The collector of the port, it was further ordered, should be received, if necessary, at Fort Moultrie, allowed to establish a Custom House therein, and be aided and protected in the discharge of his duty.* A special agent was hurried with great secrecy to Charleston, charged with a letter to Poinsett, with instruction to the collector of customs, and with other duties of a secret character. He was to inquire how far the civil jurisdiction of South Carolina extended over the bay and harbor of Charleston; whether before the adoption of the Federal Constitution there were Admiralty Courts in the State; and was to observe the real situation of Sullivan's Island, the armament of Castle Pinckney, and how much dry land surrounded the fort.†

The letter he carried to Poinsett stated that he went as an agent of the Post-Office and as such was to be known. He was to see the forts and revenue cutters in the harbor and visit Sullivan's Island and examine the means of defense of the city; but he was to do all this as a stranger prompted by curiosity. He was to find out if the nullifiers really meant to use force to hinder the collection of the revenue, and what officers of the government were concerned in aiding and abetting this "rebellious course." ‡

Without waiting for the agent to report, Poinsett gathered the information Jackson desired, and while the Convention was still in session sent it to the President. He urged the removal of the Postmaster and his deputy, promised to send a list of names of men in the Custom House who were active nullifiers, asked for the transfer of certain officers of the army, assured the President that the civil jurisdiction of South Carolina did extend over the bay and harbor, and that the State did have Admiralty Courts before the Revolution and down to the adoption of the Constitution, but not thereafter; asked for hand grenades and small rockets for

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* Senate Document No. 71, 22d Congress, 2d Session.

† Jackson to George Breathitt, November 7, 1832. Jackson MSS.

‡ Jackson to Poinsett, November 7, 1832. Poinsett MSS. Historical Society of Pennsylvania.

use in case of street fights, for a hundred rifles with bayonets, and for small vessels of war.*

Jackson replied that in his message he should treat nullification "as a mere bubble," "pass it barely in review," hold that existing laws were sufficient to put it down, and ask "merely for a general provision" to authorize collectors to demand and collect duties whenever a State law empowered her citizens to resist collection, and that removals would be made.†

Poinsett now despatched two letters fully describing the condition of the forts and again asked for sloops of war.‡ Jackson answered that five thousand stand of arms had been ordered to Castle Pinckney, that a sloop of war would reach the harbor in due time, and that the commanding officer at Castle Pinckney would hold the arms and ordnance stores subject to Poinsett's order. The Union, said the President, must be preserved and its laws executed, but by proper means. Nullification means secession and war and the other States have a right to put it down, and you and all other peaceable citizens have a right to aid in the same patriotic object. Should arms be needed before the order of the Secretary of War reached Charleston, Poinsett was to show the letter to the commanding officer, who would "yield a compliance." § Five days later Cass wrote the order and by the middle of December the arms and ammunition in the Castle were at the disposal of Poinsett.‖

By that time Congress had assembled. To the amazement of the people the doings of the nullifiers received but scant notice in the message. It was his painful duty to state, the President said, that in one quarter of the country opposition to the revenue laws had risen to a height which might threaten the integrity of the Union. But he believed the good sense and moderation of the people, or at all events the

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* Poinsett to Jackson, November 16, 1832. Jackson MSS.

† Jackson to Poinsett, November 18, 1832. Jackson MSS. That this letter was ever sent is doubtful. It does not appear in the Poinsett MSS.

‡ Poinsett to Jackson, November 24 and 25, 1832. Jackson MSS.

§ Jackson to Poinsett, December 2, 1832. Poinsett MSS. Hist. Socy. Penna.

‖ Cass to Poinsett, December 7, 1832.

laws, were fully adequate to overcome any obstructions that might be thrown in the way of the officers of the government.

By the Jackson members of Congress this language was hailed as most satisfactory. It was conciliatory towards South Carolina, showed a willingness to yield to her wishes even to the extent of abandoning protection, and gave no indication of any disposition to resist nullification with force. Indeed, his conduct in the case of Georgia's defiance of the Supreme Court was looked upon by them as a precedent. By the followers of Clay and Webster the words of the President were heard with dismay. "The message," said Adams, "goes to dissolve the Union into its original elements and is in substance a complete surrender to the nullifiers of South Carolina." Clay pronounced it "ultra on the side of the State rights." The allusion to the nullification fever in South Carolina, said the editor of a strong Union newspaper, is not so direct as it would have been if Hamilton's message to the legislature had gone before it. But the President has his eye on the nullifiers and will see that treason and rebellion are met with constitutional opposition.

He did indeed have his eye on the nullifiers, and on the tenth of December astonished both friends and foes with his proclamation to the people of South Carolina. From that moment his opinion and intentions were no longer in doubt. "The Constitution of the United States," said he, "forms a government, not a league; and whether it be formed by compact between the States or in any other manner, its character is the same." "I consider the power to annul a law of the United States incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, and destructive of the great objects for which it was formed. To say that any State may at pleasure secede from the Union is to say that the United States are not a nation."

As the express riders spread copies of the proclamation over the North and East the words of the President were hailed by the press and by the people with unqualified approval. A town meeting of anti-nullifiers had just been held in the State House yard at Philadelphia, and others of a like kind were now held before the City Hall in New York,

in Faneuil Hall in Boston, and at the Exchange in Baltimore. The New York meeting was believed to have been attended by ten thousand people. Webster, who had been persuaded to put off, for a few days, his departure for Washington that he might be one of the speakers at the Boston gathering, said to his fellow citizens that the proclamation was wise and timely, that its principles were the true principles of the Constitution; that he heartily approved of them, and that in meeting the crisis the President should have his cordial and entire support.

South of the Potomac the words of the President were read with mingled feelings of anxiety and contempt. For days after the proclamation was issued the Southern mail was crowded with letters containing copies of the document sent off by members of Congress, and among these were two from Jackson and Livingston to Poinsett. The President in his note assured Poinsett that he would use every means possible to help the Union men of South Carolina put down nullification, that he considered the conduct of the Governor and the convention as treasonable; and that he was only waiting for copies of the acts of the legislature to ask Congress for power to carry the proclamation into complete effect.*

Livingston was at great pains to explain why the proclamation was issued and why it was made argumentative in form,† and was most anxious to know its effect on both parties. One journal described it as a declaration of war by Andrew Jackson against the State of South Carolina. This unhappy old man, said the writer, has been persuaded by his advisers to arrogate the power to coerce a State of the Confederacy. He has issued the edict of a dictator. He has attempted to intimidate the Whigs of South Carolina by threats. The time has arrived, said another, when all party names must be dropped. There can be but one party now that the State is put upon her sovereignty and war declared against her by a tyrant. Henceforth let the newspapers call the friends of our State by the proud name of Whigs, and

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* Jackson to Poinsett, December 9, 1832. Poinsett MSS. Hist. Socy. Penna.

† Livingston to Poinsett, December, 11, 1832.

the friends of Andrew Jackson and consolidation by the name of Tories. Jackson's proclamation has made this necessary. Said another, the efficacy of our remedy has been proved. We never held it would be insufficient. It has been found so potent that an infuriated administration has been driven to the use of brute force. We have always said our remedy was of right peaceful; we never said it would necessarily be peaceful. It is always in the power of bad men to outrage a right by violence. General Jackson has not furnished the first example. There have been a Cæsar, a Cromwell, and a Bonaparte. Let Carolina be true to herself and she will be free. If the republic has found a master, let us not live his subjects.* Let us wait, said others, for instructions from Columbia. The measures of our legislature will be all the stronger because of the proclamation.

The attention of the legislature had been promptly called to the proclamation by a member who, rising in his place one morning and holding up a copy, asked for a suspension of the order of the day that he might lay before the House a most extraordinary document. His request was granted and after a bitter speech he moved a set of resolutions requesting the Governor to issue a counter-proclamation warning the people to give no heed to the menaces of the President, and to be ready to defend the liberty of the State against arbitrary measures. Jackson's proclamation was now ordered to be read and was listened to with many manifestations of indignation till the passages were reached in which Jackson called the people his children and addressed them like a father.† Then the members broke forth into derisive laughter, and adopted the resolutions by a vote of 90 to 24, every Union man voting nay. The Senate, of course, concurred and on the twentieth of December Hayne, who had

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* Charleston Mercury, December 17, 19, 1832.

† "Fellow citizens of my native State! let me not only admonish you, as the First Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that parental language, with that parental feeling, let me tell you," etc.

succeeded Hamilton as Governor, issued the counter-proclamation.

The election of Hayne to the governorship made vacant his seat in the Senate, and this high place was bestowed on Calhoun, who accepted and at once resigned the Vice-Presidency.* To put the ordinance into effect the legislature now passed a test oath and a replevin act, authorized the Governor to accept the services of volunteers to defend the State, elected Hamilton a Brigadier-General, provided for the punishment of persons found in arms against South Carolina, and appropriated two hundred thousand dollars for the purchase of arms. Towards the close of the session, when a letter was received from Secretary of State Livingston transmitting a copy of the proclamation and requesting that it be laid before the legislature, it was resolved that the power to issue proclamations did not authorize the President to interfere by such means in the affairs of the States, nor use it for the purpose of promulgating his opinions on the Constitution; that he had no right by proclamation to order a State to repeal its legislation; that his opinions in regard to State rights were wrong and dangerous; that the primary allegiance of citizens, native and adopted, is due to the State; that South Carolina would repel force by force, and, relying on the blessing of God, would maintain her liberty at all hazards. Jackson now instructed the Secretary of War to report how many cannon were ready for the field, and how many swords, pistols, muskets, and how much ammunition were fit for service and where they were deposited.†

The Union men meantime had not been idle. A convention of them at Columbia issued a remonstrance and protest against the ordinance of nullification, and appointed a Committee of Correspondence to conduct the business of the party and organize the means of resistance.‡ At a mass meeting in Chesterfield District they resolved not to submit to the use of force to compel them to bear arms against the

* His letter to the Secretary of State is dated December 28, 1832, and was laid before the Senate, January 4, 1833.

† Jackson to the Secretary of War, December 17, 1832. Jackson MSS.

‡ Poinsett to Jackson, December 17, 1832. Poinsett MSS.

government of the United States, be the consequences what they might. In the Georgetown District they announced their determination not to submit to the degrading imposition of the test oath, nor be drawn from their allegiance to the United States.* Those of Coosawhatchie approved the protest of the Union Convention, hailed with satisfaction the views of Jackson and declared that, happen what might, they would not take up arms against the government of their choice.† Let the consequences be what they may, said the anti-nullifiers in the Colleton District, we will never pollute our souls with the test oath, nor fight against the United States.‡ Nor will we, said the Unionists of Pendleton, take up arms unless the Star-Spangled Banner floats over us.§ From the districts of Greenville, Darlington, and Kershaw came like assurances that the test oath would not be taken.‖

On the other hand the nullifiers in Charleston met in the Circus, denounced the proclamation, and agreed to volunteer as a body and mount the blue cockade. The proclamation was burned at Sumterville, and preparations were everywhere made for a collision. Indeed, the Governor bade his staff officers make conditional contracts for the transportation of troops from the interior to Charleston.¶ Should troops be moved and the duties not paid, Poinsett doubted if the Union men would rally to the support of the marshal. Should they do so without other authority from the Federal Government than a summons from the marshal they would, they feared, if captured, be answerable to the State government. But, if the marshal should inform the judge that he could not execute the law, and the judge should so certify to Jackson, and the President call for troops, every Union man would promptly obey.**

The very day Poinsett was writing this advice to the President, Jackson wrote to Poinsett, " The moment they are in hostile array in opposition to the execution of the laws,

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* Charleston Courier, January 14, 1833.
† Ibid., January 12, 1833. ‡ Ibid., January 25, 1833.
§ Ibid., January 26, 1833. ‖ Ibid., January 23, 1833.
¶ Poinsett to Jackson, January 16, 1833. Jackson MSS.
** Ibid.

let it be certified to me by the Atts. for the District, *or the judge*, and I will forthwith order the leaders prosecuted and *arrested*. If the marshal is resisted by twelve thousand bayonets, I will have his posse twenty-four thousand."*

So serious had matters now become that Poinsett sent five wagon loads of arms and ammunition into the interior, ordered others to be hurried to points in North Carolina, bade the Union men be ready if the worst came to the worst to retire on Spartanburg and Greenville, organized the young men in Charleston into a legion, asked for an order for arms on the arsenal near Augusta, and reported to Jackson that a brig had arrived from New York with arms and twenty guns for the use of the State.† Fear not, wrote Jackson in reply, the assemblage of a large force at Charleston. "Give me early information officially of the assemblage of a force armed to carry into effect the ordinance and laws nullifying our revenue laws and to prevent their execution and in ten or fifteen days at the farthest I will have in Charleston ten or fifteen thousand well organized troops, well equipped for the field, and twenty thousand or thirty thousand more in their interior." "Even if the Governor of Virginia should have the folly to prevent the militia from marching through his State to put the faction in South Carolina down, and place himself at the head of an armed force for such a wicked purpose, I would arrest him at the head of his troops and hand him over to the civil authorities for trial." ‡

Poinsett suggested that a thousand regulars should be encamped on the Neck, or at the arsenal, as a support to the Union party if attacked by the State Rights forces from the interior.§ Again Jackson promised that the moment he heard that the nullifiers were in arms in any part of the State he would interpose and act "with firmness, promptness, and efficiency."‖

And what meantime was Congress doing? The conduct

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* Jackson to Poinsett, January 16, 1833. Poinsett MSS.
† Poinsett to Jackson, January 19, 1833. Jackson MSS.
‡ Jackson to Poinsett, January 24, 1833. Poinsett MSS.
§ Poinsett to Jackson, January 30, 1833. Jackson MSS.
‖ Jackson to Poinsett, February 7, 1833. Poinsett MSS.

of the South Carolina legislature, the proclamation of Hayne, and the nearness of the day after which tariff duties were no longer to be paid, compelled the President to act again, and ask for authority to collect the revenue by force. Before doing so, however, it seemed best to procure authentic copies of the test-oath and replevin act, and early in January a special messenger was sent to get them.* But when ten days passed and they had not come Jackson could wait no longer and told Mr. Drayton that he would act at once unless delay would contribute to the safety of the leaders of the Union party. He was assured that the personal safety of the Union men was not to be considered. They were as eager as he that the mischief, the folly, and lawless usurpation of those who tyrannized over the State should be suppressed by Federal authority. It would be a source of infinite regret if the proper course of government was arrested lest harm befall them. Yet it would be well to wait a bit that the debate on the tariff might not be interfered with by so weighty a matter.† Jackson accordingly waited three days and then, in a special message to Congress, asked for such an extension of his powers as would enable him to execute the laws in South Carolina.‡

In the Senate the message went to the Committee on the Judiciary, which quickly reported a bill to provide further for the collection of duties on imports—the "Force Bill," or "Bloody Bill," as the nullifiers called it. A day for the consideration of it having been agreed on, Calhoun rose and, after some remarks on State sovereignty, offered three reso-

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* Louis McLane to Poinsett, January 4, 1833.

† William Drayton to Poinsett, January 13, 1833. Poinsett MSS.

‡ "I withheld to the last moment," he wrote Poinsett, "to give Congress time to act before the first of February. Having done my duty in this respect, should Congress fail to act on the bill, and I shall be informed of the illegal assemblage of an armed force with the intention to oppose the execution of the revenue laws, under the late ordinance of So. Carolina, I stand prepared, forthwith, to issue my proclamation warning them to disperse. Should they fail to comply with the proclamation, I will, forthwith, call into the field such a force as will overawe resistance, put treason and rebellion down without blood, and arrest and hand over to the judiciary for trial and punishment, the leaders, exciters and promoters of this rebellion and treason." Jackson to Poinsett, January 24, 1833. Poinsett MSS.

lutions, with a view, he said, of testing the principles on which the bill rested.

The people of the several States composing these United States, so read the first resolution, are united as parties to a constitutional compact, to which each State acceded as a separate sovereign community, and the Union, of which this compact is the bond, is a union between the States that have ratified it.

The people of the several States, the second declared, in creating a general government, delegated to it certain definite powers, reserving, each State to itself, the residuary mass of powers; when, therefore, the general government assumes the exercise of powers not delegated by the compact, its acts are of no effect, and, as in all other cases of compact without any common judge, each has an equal right to judge for itself as well of the infraction as of the mode and measure of redress.

The third, aimed directly at the proclamation, declared that the people of the United States did not form a nation; that the States had not surrendered their sovereignty; that the citizens of the States had not transferred their allegiance to the general government; and that all assertions to the contrary were without foundation in truth and disproved by the most certain historical facts and the clearest deductions of reason.

The resolutions were ordered printed and were answered on the following day in another set offered by Mr. Grundy, as a substitute. By the Constitution certain powers, it was declared, were expressly delegated to Congress, and among these was authority to lay imposts. The tariff laws of 1828 and 1832, whether just or unjust, politic or impolitic, were, therefore, exercises of constitutional power by Congress, and any attempt by a State to nullify them was an encroachment on the rights of the general government and dangerous to the political institutions of the country.

The Force Bill became the order of the day on the last Monday in January, and on that day, the resolutions of Calhoun and Grundy having been laid on the table, debate began. As the discussion went on and feeling rose high, it became

clear that even the steadfast friends of the President could not be relied on to support the measure. Democrat after Democrat opposed it bitterly. It gave the President, they said, discretionary power to make war; looked like the riot act, called by many in Great Britain the "black act"; made the President sole judge of the Constitution; was as bad as the Sedition Act; was worse than the Boston Port Bill; made possible a return of the horrors of the Jersey prison ships; outdid the Botany Bay law of Great Britain; sacrificed everything to arbitrary power. A wing of Jackson's party, in short, was in revolt, and the position of the administration was daily becoming more and more critical, when Webster came to its relief and announced his determination to support the bill. He would do it, he said, as an independent member following the dictates of his own conscience. The country he believed was in considerable danger. An unlawful combination threatened the integrity of the Union. The people demanded that all intrusted with the government should maintain the government, and he, for one, should obey that voice and comply with the demand of the people.

This alliance of Webster and the Jackson men was of serious importance. It was now certain that in the struggle over the Force Bill, Webster would bear a part, and with the recollection of his encounter with Hayne fresh in memory Calhoun turned to Clay for aid, which the great Kentuckian willingly gave. He would not utter a word, or cast a vote in support of the bill, or do anything to uphold the hands of the man who believed in the coalition, and had beaten him so overwhelmingly in the election just passed. But he was ready to do much to save the protective system which he believed to be threatened with speedy ruin, and to keep South Carolina in the Union without the use of force. The price of such a deliverance he well knew was a compromise, concession, a tariff that would secure the continuance of protection for some time to come, yet yield enough to the demands of South Carolina to lead her to repeal the ordinance of nullification. A draft of a bill to accomplish this end had been lying in his desk for weeks. But it was not till after

his interview with Calhoun that Clay astonished his supporters by asking leave of the Senate to introduce "a bill to modify the act of the fourteenth of July, 1832, and all others acts imposing duties on imports." Objection was made that it was a bill to raise revenue and could not originate in the Senate; but the objector was silenced with the assurance that it was intended to reduce, not to raise, revenue, and consent to its introduction was given.

Debate on the Force Act then started again and went on till the general discussion ended, and the Senate began to amend the bill by striking out and putting in words and phrases. At this stage Calhoun rose, and stating that he wished to be heard, secured the floor for the following day. The speech which he then delivered and which consumed all that sitting of the Senate and part of the next, was a great disappointment to his friends. Never at any time was he considered a fine orator, and long disuse had dulled what little power as a speaker he once possessed. He was, said one who heard him, quite unfit for long and sustained effort by reason of the intensity of his feelings, a lack of physical power, and a weak voice. He was hoarse and indistinct of utterance.

When Calhoun finished, a little after one o'clock on the second day, Webster took the floor and began that reply to Calhoun which he called "The Constitution not a Compact between the States." After he had spoken for over an hour the Senate took a recess till four o'clock. Meantime word that Webster was answering Calhoun spread through the city, and when the Senate reassembled lobbies, floor, and galleries were "crowded to suffocation." The House had adjourned for the day and the members were now to be seen among the Senators sharing their seats. Citizens, eager to hear a great oration, had hurried to the Chamber with wives and daughters, and filling every available inch of space furnished an audience very different from that of two hours before. From five till eight o'clock, when the speech ended, Webster spoke with much of his old power, carried his listeners with him, and when he closed, "a long, loud and general clapping of hands rose from the floor and galleries."

The debate now ran on during three days before the question was taken on the passage of the bill. Thirty-two Senators then answered yea. Only one, John Tyler, of Virginia, said nay; for when the roll was about to be called Calhoun and all opposed to the Force Act, save Tyler, made haste to leave the Chamber. Clay's name is not recorded among the yeas.

The Force Act out of the way and the defiance of South Carolina properly resented, the Senate was inclined to do something to temper its harshness and took up the compromise tariff bill submitted by Clay. As Calhoun supported it, as member after member declared he should vote for it because it would please the South, and as Clay implored the Senate not to let the Force Act go forth to the country without this measure of pacification, there seemed no doubt but that it could pass. But the constitutional right of the Senate to originate such a bill was flatly denied by Webster, Benton, and five other Senators, who frankly stated that much as they liked the bill, they could not, for this reason, give it their votes. Clay, however, was ready with an expedient.

Quite early in the session the Committee of Ways and Means of the House of Representatives reported a tariff bill well known to have the approbation of the Secretary of the Treasury and to be an administration measure. But nothing could induce the House to act promptly. The new year came, January passed, February was almost gone and the end of the session but a week away, when suddenly Letcher, of Kentucky, the close friend and ardent follower of Clay, moved to recommit the bill to the Committee of the Whole with instructions to report another, Clay's bill, which he offered. The motion was carried, and ere the members went home to dinner, Clay's bill had been ordered to be engrossed for a third reading on the morrow. February twenty-sixth the House passed it, and an hour later the clerk carried it to the Senate as House Bill No. 641. No sooner was it received than Clay's Senate Bill was laid on the table, and March first the House bill was passed by a vote of twenty-nine to sixteen. By this act, the Compromise Tariff as it came to be called, all existing duties were to be reduced in

nine years' time to a horizontal tariff of twenty per cent. *ad valorem*. The present excess above that rate was to be cut down by one-tenth on December thirty-first, 1833, 1835, 1837, and 1839. One-half of the then remaining excess was to be taken off on December thirty-first, 1841, and the other half on June thirtieth, 1842. The free list was much increased; the credit system was abolished; after June thirtieth, 1842, all duties were to be paid in cash, and valuation at the port of entry was required.

South Carolina had triumphed. This bill, said a Senator in the course of debate, carries with it the idea that the protecting policy is an evil in itself; an evil that ought to be deprecated and that should not be endured for a moment; but, lest great establishments dependent on it be suddenly overthrown, it is to be tolerated for a few short years that those establishments may wind up their affairs and escape total ruin. The protective policy is a great State criminal condemned to die; but whose sentence is respited for a while that he may arrange his affairs, repent him of his evil deeds, and make ready for his end. He is doomed and die he must. Said Webster, "I go before the country on the proposition that the only principles of a protective tariff which in this, or any other country, have been found valuable, are not contained in this tariff."

On the same day on which the Senate passed the Compromise Tariff Bill, the House passed the Bloody Bill, by a great majority. March second Jackson approved both bills, and two days later was a second time inaugurated President of the United States. The fate of these two bills, the one to appease the South, the other to gratify the North, had been watched with deep interest by the whole country, and now that they had become laws were loudly praised and bitterly denounced. On inauguration day the United States Telegraph appeared in mourning because the Bloody Bill was the law of the land, saying, "here lies the remains of State rights," and, "it is for this we mourn." Nullification is triumphant. What has produced the settlement of the tariff question? Nullification. Would we have had Mr. Clay's bill had it not been for the action of South Carolina? We

bid Mr. Clay's bill welcome, said another journal.* Thanks to Mr. Clay! He himself has contributed to sing the requiem of his protective system. By a singular fatality the two men who have been most active in raising up this monstrous tariff have been forced by public opinion to stay it. In the opinion of another,† "A system founded on the most short-sighted selfishness has received its death blow. The experiment has been fully, almost fatally tried, and it will be recorded in history only to be avoided." The State, said a South Carolina journal, feels that the present adjustment is less than was due. Yet it is much to have been gained by a single effort and against such fearful odds. This little State has defied the swaggering giant of the Union. Thirteen thousand Carolinians have not only awed the wild West into respect, compelled Pennsylvania stolidity into something like sense, New York corruption into something like decency, Yankee rapacity into a sort of image of honesty, but they have done all this loftily and steadily and in the face of seventeen thousand betrayers of the liberty of their own State. But the tariff is overthrown, the corrupt majority in Congress has yielded. The madness of the government had at last a lucid interval. But it was for a moment only; for in the mere wantonness of folly it has joined to the concession wrung from it by fear and interest another act well fitted to utterly defeat the compromise at which the North grasped. Undoubtedly the Bloody Bill was passed in mere bravado to cover the shame of defeat. But in the hands of the chief of the atrocious administration it may not prove the *brutem fulmen* it was intended to be.‡

By the friends of the American System the compromise was received as something which had to be sooner or later. The day when the national debt would be paid in full was near at hand. To keep up, after that event, a high tariff which turned into the Treasury twenty millions of dollars a year was unreasonable and undesirable. The concession had been made but a couple of years before the time when it must come. It had, moreover, been made not suddenly and at once

* Richmond Enquirer. † New York Evening Post.
‡ Columbia Telescope, March 12, 1833.

as South Carolina demanded, but had been spread over a period of nearly nine years, and had been accompanied by a force act which left no doubt as to what the country thought about nullification. Mr. Clay's part in the matter, it was said, had been most honorable and entitled him more than ever to be called the Great Pacificator.

But what meantime had the co-States done? The proceedings of the convention which in November, 1832, declared the tariff acts null and void were followed in many State legislatures during January and February by reports and resolutions condemning South Carolina and upholding Jackson. Some, as Massachusetts, Ohio, Mississippi, and Maryland, opposed the call of South Carolina for a convention of the States to settle the dispute between her and the general government. Others, as North Carolina, Indiana, Delaware, Maine, New York, New Jersey, Ohio, New Hampshire, Pennsylvania, and Mississippi, denounced nullification as a political heresy, as a pernicious doctrine, as revolutionary in character and subversive of the Constitution, declared that the Constitution is not a compact or a league, but a form of government; that no State has a right to withdraw from the Union; that the Supreme Court is the final arbiter; that all the States in the Union make one indivisible nation; that the right claimed by South Carolina to annul a law is unauthorized by the letter and spirit of the Constitution; and that nullification is neither a safe, peaceable, nor constitutional remedy. Virginia went further, and elected a commissioner to go at once to South Carolina and urge her to repeal, or at least suspend, the ordinance till the close of the first session of the twenty-third Congress. The gentleman chosen for this duty was Benjamin Watkins Leigh. He set off at once, but while still on his way to Charleston the first of February, "the birthday of nullification," arrived. Two vessels which reached port that day were taken possession of by the United States revenue cutter, for the ordinance was understood to be in force. The sovereign power of the State had sent it forth and that power and no other could suspend or repeal it. Yet it had in reality been suspended till the third day of March by a mass meeting of nullifiers held,

late in January, at the Circus in Charleston. The presiding officer on that occasion was the lieutenant-governor of the State. The mover of the resolutions which the meeting adopted had been chairman of the Select Committee that framed the ordinance, and the gentleman who seconded the resolutions and supported them in a speech was Hamilton, still president of the Nullification Convention.

The resolutions declared that the meeting denied the claims of power set forth in Jackson's proclamation, viewed with abhorrence the doctrine that no State had a right peaceably to leave the Union; was shocked at the principles of arbitrary power announced in the proclamation, was indignant at the menaces of military coercion, and saw with astonishment the concentration of the United States military and naval forces in the harbor and on the frontier of the State. To show this firmness and express these sentiments was a sacred duty. Nevertheless the people of South Carolina had seen with lively satisfaction indications of a modification of the tariff, and that these indications might be met by a like disposition on the part of South Carolina, it was declared to be "the sense of this meeting that all occasion for collision between the Federal and State authorities should be sedulously avoided on both sides."

Hamilton assured the meeting that he fully approved of this resolution. We owe it, said he, to our friends out of the State. He had sent to Havana a cargo of rice and brought back a cargo of sugar, which he would, in the interests of peace, allow to go into the custom house stores and await events. For, if his hopes of an adjustment of the question failed, he "knew that his fellow citizens would go even to death with him, for his sugar." *

The arrival of Mr. Leigh, the President was informed by Poinsett, completely changed the plans of the nullifiers. To give a prompt and explicit answer to Virginia was not their intention. Some negotiations and delay, therefore, followed till pressed by Leigh for an answer they promised to assemble the Nullification Convention immediately after the

* Nile's Register, February 2, 1833.

adjournment of Congress.* Poinsett was assured that the nullifiers would hearken to the voice of Virginia if the tariff bill passed. But should the Force Bill be enacted, and the tariff not changed, the nullifiers would surely go on with their work. In that event eastern Virginia would be neutral, and western Virginia would support the President.†

While Poinsett in letter after letter was informing Jackson as to the state of affairs in South Carolina, the Executive Committee of the Union and State Rights party had been busy organizing, arousing, and preparing to arm the Union associations throughout the State. Into districts where no such associations existed, men were sent to form them. Circular letters were written to Union men asking how many nullifiers were in their towns or districts, how were they armed, how active they were, what was the condition of the Union party, and, if arms were needed, where and to whose care should they be sent. By the middle of January replies of a most encouraging sort came back.

One leader warned Poinsett not to doubt for a moment that "the nullies" intended to go right ahead, that no time should be lost if anything was to be done to save the Union; that the minutemen were to be in Charleston by the fifteenth of January, that they were to drive the Federal troops from the forts and the islands in the harbor, and that in less than a month the convention would meet again and declare the State out of the Union. You had better send word, the writer continued, to Camden and to Washington, for there is not a shadow of doubt that the nullifiers intend to arm the slaves and put them forward in battle as soon as things get hot, nor of their getting support from the other Southern States. If you receive this information with cold indifference and incredulity you will hereafter have cause to regret it.‡

From Conwayboro a committee of three wrote suggesting that five hundred muskets for use in that part of the State be deposited with the Union party at Georgetown, North

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* The correspondence is in Nile's Register, February 23, 1833.

† Poinsett to Jackson, February 9, 1833. Jackson MSS.

‡ Poinsett Papers, January 9, 1833.

Carolina.* In this district, wrote a Waxaw man, we have formed an association of one hundred and fifty members to be called the Union Association of Lancaster District. A volunteer corps of near a hundred, all Union men, has been organized for a year past and two more are forming. From the best information he could obtain the nullies had about sixty men enrolled; but a more worthless, inefficient body of men it would be hard to assemble in the district. The Union men were much in need of powder and bar lead, and two hundred muskets. Sabres and pistols for four hundred cavalrymen would add to the safety of the district and efficiency of the corps.† From Camden ‡ and Cheraw § and Southmount || in Pickens District and China Grove ¶ came calls for arms and assurances of a strong Union feeling.

After the nullifiers suspended the ordinance, the Executive Committee sent out another circular.** Would the Union associations, it was asked, appoint delegates to a convention? Should the convention meet before or after that of the nullifiers and at what place? Laurens replied that at this season of the year the cropping began and it would be hard to get Union men to attend; asked that arms be sent secretly to Charlotte, North Carolina, and reported the number of Union men to be a thousand in Laurens and a thousand in Abbeville.‡ From Cheraw came a request for lead, moulds, and one hundred stand of arms and assurances of a firm Union feeling. "If," said the writer, "they harm a corn crib in this country they must beware, for we have many lean and hungry Cassiuses among us who would as readily lose their lives in such a cause as the Charleston nullifiers would for Hamilton's sugar. . . . Mr. Leigh's mission has resulted as I expected. The consequence of their refusal to comply with the wishes of Virginia will be the grave of nullification in that State. Mr. Leigh could give no pledge that western Virginia would not become a separate State if any such pledge as they expected had been given and redeemed."

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* Poinsett Papers, February 11, 1833.
† Ibid, February 8, 1833.
‡ Poinsett Papers, February 7, 1833.
§ Ibid, February 12.
|| Ibid, March 5.
¶ Ibid, February 12.
** Ibid, February 12.
‡ February 21.

Yet another who had been going from place to place organizing the Union men, and to whom Poinsett wrote asking how many would attend the Union Convention, replied from Camden: "The convention will be held at the most inconvenient time of the year. All the idlers, loafers, vagabonds, and dandies who inhabit the cities and live by their wits belong to the nullifiers. Our people are the substantial yeomanry of the country who in the latter part of March and April are pitching their crops for the year. It is the busy planting season, and the success of the labors of the whole year materially depends on the efforts in these months to get a good start. Another difficulty is, that the impression is gone forth that the nullifiers have backed out and will do nothing, and you cannot easily persuade people of the necessity of our attitude." Hopewell * asked for a thousand muskets, side arms, and pistols, and swords for two hundred cavalry, and named Lincolntown, North Carolina, as the place of deposit. Georgetown reported three hundred men poorly armed. Chesterville thought the convention should meet after that of the nullifiers in order to answer their address.

Another correspondent declared that a Union man could not get justice in the courts if the other contestant was a nully. The Union man, he said, was sure to be cast. "We must get justice or we must take other means than courts to redress ourselves."

The Force Bill and the tariff having become law, the leaders of the nullifiers, true to their promise to Leigh, called for a meeting of the convention on the eleventh of March. Poinsett thereupon urged each one of the five and twenty Union members not to attend and convoked the Union Party Convention for March eighteenth at Charleston.† On the twelfth of March, however, the meeting was indefinitely postponed,‡ for the Nullification Convention at Columbia had repealed the ordinance and all the laws relating to it save the militia act, had nullified the Force Act and adjourned.

Some months now elapsed before the excitement aroused

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* March 8, 1833.

† Poinsett to Jackson, February 28, 1833. Jackson MSS.

‡ Charleston Courier, March 12, 1833.

by these events went down. In Georgia Senator Forsyth, who voted for the Bloody Bill, was hanged and burned in effigy, called on to resign and presented by a Grand Jury. Calhoun in a speech at a public dinner again asserted that the Constitution is a compact, that the people do not form the nation, that State sovereignty and reserved rights make the citadel of liberty, and that the struggle for State rights had but just begun. At a great review of the Charleston militia, composed of the Irish Volunteers, the French Volunteers, the Scotch Volunteers, the Washington Volunteers, Independent Greens, Sumter Guards, and Cadet Riflemen, there was presented a fine standard on which among other devices was a palmetto tree with a coiled rattlesnake at the foot and the motto "Liberty—It must be preserved." At a ball given by the volunteers the stars and stripes were nowhere to be seen; but the mottoes "Nullification the rightful remedy," "Millions for defence, but not a cent for tribute," "Paramount allegiance to the State," "Resistance to Tyranny is obedience to God," "The ballot box, the jury box, the cartouch box" were conspicuous. In Virginia, at a public dinner to John Tyler, the only Senator who voted against the Force Act, one toast was, "Nullification the rightful, and, as it has proved to be, the efficient remedy." Another was, "Nullification, whenever it shall die let this be its epitaph, 'Here lies the murderer of the American system.'" A third was, "The Union of the States—voluntarily, the palladium of our liberty; forcibly, the rod of our liberty."

Of all the letters written at that time on the course of events in South Carolina not the least interesting is one from the man who believed he had just put down nullification and secession forever, to the man who, a generation later, was called on to meet not the nullification of one law and the threatened secession of one State, but the nullification of the Federal Constitution and the actual secession of seven States. "I met nullification at its threshold," wrote Jackson to Buchanan, then Minister to Russia. "My proclamation was well timed. It opened the eyes of the people to wicked designs of the nullifiers aided by the union of Clay, Calhoun, the Bank, and the corrupt of all parties. Not a modification

of the tariff, but a separation of the Union by the Potomac was sought. To-day advices inform us that South Carolina has repealed the ordinance of secession and all laws based upon it. Thus dies nullification and the doctrine of secession, never more to be heard of, only in holding up to scorn and indignation its projectors and abettors and handing their names to posterity as traitors to the best of governments." *

Before the Nullification Convention adjourned the second time it referred to the legislature the question of an oath of allegiance. Again the Union men protested and declared that such a law would make them slaves. They must show that they were not slaves and would not bear the name of "submission men." The test oath was clearly intended to proscribe Union men. Could they call themselves freemen and submit? No, they had been tyrannized over long enough and ought not to submit any longer.† If the legislature passed a new oath of office, made a new act of treason, declared what allegiance meant, the Union party must fight, quit the State, or become vassals of the nullifiers.‡ Nevertheless the legislature when it met, considering the reference as an instruction, enacted a law which required all military officers within thirty days after their election to swear that they would "true allegiance bear the State of South Carolina," and adopted an amendment to the State Constitution prescribing a new oath of office. The attempt to execute the new militia law caused great indignation, especially in the hill country. Meetings were held, resolutions passed, resistance threatened, and the constitutionality of the law tested before the appeal court. When the judges declared it unconstitutional, null, and void, a cry went up for a special session of the legislature, as the effect of the decision was to leave the State without officers and military organization. But Hayne took a different view, and referred the whole matter to the legislature to be chosen in October.§

Before that body would also come the question of the final adoption of the amendment to the Constitution which could

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* Jackson to Buchanan, March 21, 1833. † Pointset MSS.
‡ Ibid. § Hayne's Proclamation, June 12, 1834.

not go into force unless ratified by two successive legislatures. But to the Union party it seemed a degrading test of political opinion, striking at the sacred right of private judgment and turning the elective franchise into a mockery.* Memorials remonstrating against the passage of the amendment were therefore prepared in more than a dozen districts, and bearing long lists of names, were sent to the legislature when it met in November, and referred to a joint committee on Federal relations from which came a report † so convincing that the Union members at once abandoned all opposition, voted for the acceptance of the report, and withdrew a notice of a motion to enter on the journal of the House a protest against the amendment, which, had they continued their opposition, would have gone into force. With this, it was understood, the issue of nullification was closed, and men of both parties were again "all brethren of one family, citizens of one State."

At the very time the legislature of South Carolina was the scene of this unexpected exhibition of good will, the legislature of Georgia was engaged in another defiance of the Supreme Court. A Cherokee Indian named James Graves had been tried, convicted, and sentenced for murder, and had carried his case on a writ of error from the Supreme Court of the State to the Supreme Court of the United States. Judge Baldwin issued the citation and summoned Georgia to appear before the court on the second Monday in January, 1835. In transmitting the document Governor Lumpkin reminded the legislature that this was the third attempt to control the State in the exercise of its judicial powers; that such control had never been delegated to the United States, could not be submitted to by the people or the authorities of Georgia, and if continued would end in the dismemberment and ruin of the confederacy. The legislature, through its committee on the state of the republic, replied that the Governor should inform the sheriff of Murray County, by express, that the law of the State must be enforced, that he was authorized to employ a guard of armed men, if necessary,

* Charleston Courier, November 11, 1834.

† The report may be seen in Niles's Register for December 27, 1834.

to carry the sentence into execution, and that the Governor and all other officers of the State should disregard the citation of the Supreme Court.

When the Nullification Convention reassembled in March, 1833, to repeal the ordinance and nullify the "Bloody Bill" a report was presented and speeches made which plainly intimated that the North was uniting to destroy the slave property of the South and that it was time for the slaveholding States to join in defence of their rights and their property. The press of the South at once took up the charge and in a little while newspapers North and South were vigorously asserting and denying it.

The nullifiers, said a Georgia newspaper, driven with disgrace from the stand they occupied, have prematurely, rashly, madly agitated the subject of slavery as a last desperate effort to cause the people of the Southern States to unite against the North. They have imputed to the citizens of that section a settled design to interfere with our domestic policy, a design which exists nowhere save in their own imaginations. We regret that this subject should ever have been started, and we regret still more the manner in which the Calhoun presses, both in and out of the State, have treated it. Plainly they are seeking to foster prejudices and create fears to be used for their own political aggrandizement.*

We have intended, said a Northern journal, to notice the proceedings of the nullifiers in their wicked attempt to cause a new excitement in the South on account of the slaves, as though deliberate plans had been laid in the North to interfere with them. It is true that almost everybody on this side of the Mason and Dixon line regards slavery as a mighty evil, a curse, but they as universally believe they have no right to meddle, and that jurisdiction over the matter rests entirely with the slaveholding States. I have observed, wrote an agent of the Colonization Society, that of late an effort is making by some editors south of the Potomac to convince the Southern people that a Northern combination is forming to interfere with the system of slavery. That such was true he emphati-

* The Savannah Georgian. Niles's Register, June 29, 1833.

cally denied. He had travelled widely in New England, had conversed with hundreds of ministers and with many prominent men, and found none who did not indignantly repel the charge.*

So strong was the belief that such a movement was afoot that Webster was appealed to by a citizen of Savannah. "It cannot," said he, "have escaped your observation that warm discussions are now going on in many of the Southern papers, and much agitation is felt or feigned in a portion of the South, over the subject of slavery, and of imputed designs at the North against the security and value of that species of property." The tendency, if not the deliberate purpose of such discussions, was to excite universal uneasiness and distrust in the slaveholding States and foment jealousies against the non-slaveholding States which designing politicians might turn to mischievous account. He wished, therefore, to know Webster's views on the power of Congress over slavery and as to the existence of any design on the part of Northern men to interfere with the security of slave property.

Webster replied that Congress had no authority to emancipate slaves; that domestic slavery in the States was under the exclusive control of the States themselves; that this was the opinion of the whole North, and that imputations made against it were without any just foundation.† The editor of the Augusta Chronicle now appealed to Colonel Joseph Lumpkin, of Georgia, who had attended a meeting in Boston called to aid in the collection of funds for the Theological Seminary at Columbia, South Carolina. From him came the assurance "that ninety-nine out of every hundred of the sober, intelligent, and rational people of the North not only have no participation in this project, but unite with us in denouncing and opposing it and its authors and advocates." ‡

On discussion in the South these denials of evil intent on the part of the North had little effect. But in the North the charges made by the South had much influence. When

* Richmond Enquirer, National Intelligencer, June 20, 1833, and Richmond Enquirer, April 23, 1833.

† John Bolton to Webster, May 16, 1833. Webster to Bolton, May 17, 1833.

‡ Niles's Register, October 5, 1833.

the editor of the National Intelligencer was asked to publish the address of the convention of the Free People of Color, held at Philadelphia in June, he refused to do so because it contained charges against the Colonization Society, and because he would do nothing to encourage the belief that the North was seeking to abolish slavery. When the friends of immediate emancipation issued a call for a meeting at Clinton Hall, in New York, to organize an Anti-Slavery Society, the city was placarded with notices summoning all disposed to manifest the true feeling of the State on that subject to attend. Great excitement was raised thereby, and several thousands, many of them citizens of standing, came to the hall, to find it closed by order of the trustees. Those in the passageways thereupon organized, elected a chairman, adjourned to Tammany Hall, and adopted resolutions. One declared it improper and inexpedient to agitate the question; another assured the South of a fixed and unalterable determination to resist every attempt to interfere with the relation of master and slave.*

Word meantime was received that the abolitionists were holding their meeting in the Chatham Street Chapel, to which the disorderly element at once repaired, to find the Anti-Slavery Society organized, its constitution adopted, and the chapel empty. Entering the room the mob put a negro in the chair, adopted burlesque resolutions, and adjourned.†

In the midst of the excitement Garrison, who had gone on a mission to England, arrived at New York, and went on to Boston. Both the press and the speakers at the Tammany Hall meeting had noticed his return and abused him soundly. His arrival at Boston, therefore, was the occasion of an attempt to mob him, and, in response to a handbill urging all true Americans to come "armed with plenty of tar and feathers," a mob gathered one October night about the office of the Liberator, but did him no harm.‡

The same issue of the Liberator which reported the return of Garrison announced that a meeting would be held in Phila-

* New York Commercial Advertiser, October 3, 1833.

† Ibid.

‡ Liberator, vol. iii, p. 163.

delphia to form an American Anti-Slavery Society. A formal call by the immediate emancipationists in Boston, Providence, New York, and Philadelphia soon followed, and on December fourth the convention assembled at Philadelphia, organized the society, and adopted a declaration of sentiments.

The purpose of the American Anti-Slavery Society as therein set forth was to organize anti-slavery societies in every city, town, and village in the land; to send forth agents, circulate anti-slavery tracts and pamphlets, enlist the pulpit and the press in the cause of the slave; give preference to the products of free labor over those of slaves and bring the nation to a "speedy repentance." *

At Rochester a meeting of citizens complained of the attempt to excite the feelings of the community on the subject of slavery and to enlist citizens in behalf of anti-slavery societies bent on immediate emancipation. Abolition of slavery was indeed to be desired; but not by a method which would turn loose two millions of ignorant and degraded beings and consign them to pauperism and crime. The question of slavery was under the jurisdiction of the States and any meddling by the citizens of other States was improper and impolitic.

The cause of the free laborer meantime was not neglected. Agitation for higher pay, shorter hours, and better conditions was widespread and continuous. The tin-plate and sheet-iron workers protested against the attempt of the master slaters to make tin-roofing a branch of their trade; the journeymen house carpenters in New York turned out and demanded twelve shillings, or a dollar and a half, a day, but failed to obtain the two shillings increase; shoemakers at Geneva † and carpet weavers in Connecticut struck, and were punished by the courts for conspiracy. September twelfth, the anniversary of the battle of Baltimore, was celebrated by the workingmen of that city with a labor parade and soon followed by the nomination of two labor candidates, and their election to the Maryland house of delegates. A convention of New Eng-

* William Lloyd Garrison, vol. i, p. 412.

† This case dragged in the courts for three years. Niles's Register, 1836.

land workingmen at Boston discussed education, imprisonment for debt, child labor in factories, and the condition of working women; pledged the workingmen not to vote for any man opposed to free manual labor schools, abolition of charter monopolies and imprisonment for debt, lien laws for laborers on buildings, and equal taxation of property; requested the workingmen of the Middle States to hold a convention and issue a call for a national convention at such time and place as might be most convenient, and urged the formation in every New England city and town of labor societies and the establishment of trades unions by men of the same trade.

Both plans were carried out. A national convention of workingmen met at Philadelphia in December to consider the ten-hour day and the regulation of wages, and early in January, 1834, sixteen local unions in Boston united in a general trades union of mechanics.

The question which then concerned the workingman was not the ten-hour day nor increase of wages, but work; for our country was in the midst of a panic brought on by the removal of government deposits from the Bank of the United States.

CHAPTER LIX.

THE DEPOSITS AND THE PANIC OF 1834

When the campaign of 1832 ended with the re-election of Jackson, not a vestige of hope of a new charter for the Bank remained. As the old one had then but a little over three years to run, it was commonly supposed that this sorely persecuted institution would be suffered to go its way in peace. But the struggle for life made it all the more odious to the President. The monster monopoly had attacked him, and had attempted to prevent his election. The quarrel then put on a personal aspect, henceforth no opportunity to injure the Bank was suffered to go by unused, and, unhappily, an act done by it in the summer of 1832 afforded an excellent reason for a new attack.

The Secretary of the Treasury had notified Biddle in March of 1832 that on July first six millions of the three per cent. loan of 1792 would be paid with money deposited with the Bank and its branches, and which, of course, had been loaned to customers. On receipt of this notice Biddle hastened to Washington, besought the Secretary to put off the payment, and gave three reasons. In the first place nine millions of duty bonds would fall due on the first of July. In the second place it seemed quite likely that an epidemic of cholera which then threatened to sweep over the country would derange business and cause great embarrassment and distress in the community. In the third place the distress caused by these two conditions would be much increased if the Bank were forced to call in loans in order to meet the payment of the debt. Moved by these considerations the Secretary agreed to postpone the redemption of the

loan until the first of October; the Bank to pay the three months' interest. But no sooner was this arrangement made than the Bank despatched an agent to London, where, with the help of Baring Brothers & Co., the foreign holders of nearly three millions of the three per cents, agreed not to present their certificates until six, nine, or twelve months after October first, 1832, the Bank to pay them four per cent. interest for so doing. The Barings then bought the certificates of such holders as would not consent to an extension, and agreed to hold them for the Bank.

As the matter then stood five millions of dollars of government money deposited to redeem the three per cents seemed likely not to be needed for some months to come, and was therefore in the nature of a loan to the Bank. But the agreement with the Barings, which was to be secret, became public, and satisfied Jackson that the Bank was unsound. Such eagerness to retain the money could mean but one thing: the Bank was weak, and no longer fit to be intrusted with the keeping of the government funds. The deposits must be removed, and for the time being the President seemed to wish that Congress should take the responsibility of so ordering. The Secretary of the Treasury, said Jackson, in the annual message, has taken steps to find out whether the public deposits in the Bank of the United States may be regarded as entirely safe. But the power of the Secretary was limited. It might prove inadequate; hence the subject was recommended to Congress under the firm belief that it was "worthy of their serious investigation." Grave charges impeaching the soundness of the Bank were afloat, and these, if true, might well excite fears that it was no longer a safe depository for the money of the people.

His words were referred to the proper committee and the war upon the Bank was on again. First came a bill reported by Polk to authorize the sale of Bank stock owned by the United States. This the House rejected at the first reading. Next came two reports from the Committee of Ways and Means. That from the majority declared the deposits safe. That from the minority denounced the action of the Bank in the matter of the three per cents, maintained that there was

good ground to doubt the safety of the deposits, and clearly intimated that the executive would be justified in removing them. Once more the friends of the Bank rallied to its support, and by a great majority carried a resolution declaring that the government deposits might safely be continued in the Bank of the United States.

The passage of the resolution in the opinion of the President was another defiance from the friends of the Bank, another sign of the corrupting influences of the monster monopoly, another reason why its power should be diminished at once. Clay and Calhoun, he declared, controlled the Bank and with its corrupting influence sought to carry a recharter over the veto and rule the nation. He had no confidence in Congress. If the Bank were permitted to have the public money no power on earth could prevent it securing a charter; it would have one if it had to buy up all Congress, and the public funds would enable it to do so. Leave the means of corruption in its hands, and the veto would amount to nothing.

The doubts thrown out by the President as to the safety of the deposits were understood to mean they were to be removed, and applications for a share of them were promptly made by State banks. The collector of customs at New Orleans informed the Secretary of the Treasury that a draft of a letter applying for the deposits had been read to him by an official of the Union Bank, and warned McLane against it as a Clay institution.* The Bank of America, at New York, begged Van Buren to use his good offices in its behalf. The directors had heard it stated that the deposits were to be removed during the year, and felt very desirous that in such an event the Bank of America should become the government agent in New York. Its capital was two millions, its charter had been renewed in 1831 for twenty-one years, and it had in times past loaned money to the Secretary of the Treasury, to Vice-President Tompkins, and to Mr. Swartwout, collector of the port.†

From Kendall, just after the inauguration, came a letter

* Jackson MSS., Library of Congress. Martin Gordon to McLane, December 21, 1832.

† Jackson MSS. Letter dated February 20, 1833.

urging removal, and discussing the question under three heads: Is it right? is it prudent? and what will be its political effects? Politically considered, there was every reason for prompt and decisive action. The Bank was the uncompromising enemy of the party that had re-elected the President, and would use its mighty power to distract and destroy that party. To prevent this its power must be broken, and the only way to break down its power was to take away its exclusive control over the revenues of the government, which was the source of power. To order all deposits of government money transferred at once would be unreasonable, and give the Bank just cause for complaint, and perhaps win it public sympathy. But if the government made no actual removal of funds, if it merely ordered future receipts to be placed in the State banks, and then drew out the deposits in the United States Bank to meet current expenses, there could be no cause whatever for complaint of unreasonable treatment.*

By this time Jackson had decided on removal, but went through the form of consulting the cabinet, and March nineteenth addressed to each member five questions: Had anything occurred since the opening of the last session of Congress to lessen the belief that the deposits were not safe? Could the Bank be relied on to carry out the fiscal arrangements of the Treasury, and had it been a faithful agent in the past? Should the present charter be renewed under any circumstances and with any modification? Should another bank of some sort be established? Should the deposits be removed? With the questions went Jackson's own views on each of them.†

McLane replied that in his opinion there should be no change till the expiration of the charter of the Bank made removal necessary. Barry answered no to every question save the last, and to this replied that the deposits should be removed gradually, beginning at once. Taney declared the deposits were not safe, that the Bank was not to be trusted as an agent,

* Jackson MSS. Kendall to Jackson, March 16, 1833. R. M. Whitney, March 18, 1833, urges removal and recommends the Girard Bank at Philadelphia.

† Jackson MSS.

that under no circumstances should the charter be renewed, and approved of a removal of the deposits.

While waiting for the replies of the members of the cabinet Jackson turned for advice to Senator White, of Tennessee. When nullification was overthrown strong hopes, he said, were entertained by the friends of the country that they would now have some repose. But already a new coalition had been formed by Clay and Calhoun. Their object was self-aggrandizement to be secured through the corrupting influence of the Bank. They were bound to have it rechartered, and all their efforts would be directed to that end. Could the fiscal concerns of the government be carried on without a national bank? Would they suffer if intrusted to the State banks? If so, then what sort of a national bank should be chartered? Under no circumstances would he consent to a recharter of the present Bank.* The Senator answered that the deposits ought to be removed, but not before the charter expired.†

To secure removal the assent of the Secretary of the Treasury must be obtained, for he alone could issue the order. As McLane would not consent to do this, another reorganization of the cabinet became necessary, and Jackson proceeded at once to make some long contemplated changes.

It was known as early as November, 1832, that Livingston was to be Minister to France in place of William C. Rives, who had just retired. But it was not then known that McLane was to be transferred from the Treasury to the State Department, and that William J. Duane, of Pennsylvania, was to be invited to become Secretary of the Treasury.

From the story of what now took place, as told by Duane, it appears that the invitation reached him early in December, 1832, that he did not accept until late in January, 1833, and did not assume the duties of his office till the first of June. Up to that date not a word had been said to him concerning the removal of the deposits; but two days after taking office he was sent for by Jackson, was told that removal was in contemplation, that the opinions of the members of the cabinet

* Jackson MSS. Jackson to White, March 24, 1833.

† White to Jackson, April 11, 1833.

had been asked, that two of them were for and two against the project, that the fifth had as yet given no written opinion, and that he now desired that the Secretary of the Treasury should state frankly and fully his views.

Jackson now went off on a tour of the Middle and Eastern States, and on his return in July Duane delivered his opinion, as he says, fully and frankly as an honest man and minister should do. He was next asked if he would refuse to remove the deposits if, after examination by an agent and consultation with the cabinet, the President should decide to remove them. Duane did not reply at once, and while waiting for his answer the President despatched Amos Kendall to visit the banks in the Middle and Eastern States and arrange with them for the keeping of the public money. Kendall went first to Baltimore, and aware, he said, that most of the banks were in the hands of the friends of the United States Bank and might be disposed to thrust on him arguments and statements in behalf of that institution, he began by asking if they desired to receive the deposits on any terms. If they answered that they had such a desire, they would be committed to the measure. If they answered they had not, then there would be an end to all correspondence. Two promptly said yes and one no. He believed six out of eight would be glad to get the deposits, though not more than two or three could give security.*

From Baltimore Kendall went on to New York, where two declined and seven expressed their willingness to undertake the public service.†

The question which all this time was troubling Jackson was not, shall the deposits be removed? but shall they be withdrawn before Congress meets or on the first of January, when he thought the fiscal year began?‡ As to this, before leaving for the Rip Raps, he consulted Taney and wrote to Van Buren.

Taney urged a removal before Congress met and while the members were among their constituents. He was sure

* Jackson MSS. Kendall to Jackson, August 2, 1833.

† Ibid., August 11, 1833.

‡ Van Buren to Jackson, September 11, 1833.

the act would be most popular, that the members would be made aware of the fact and support the President when they met in December. Should it be necessary to call for his services to aid in carrying the plan into execution, as Jackson before setting out for the Rip Raps had intimated it might be, Taney promised "they will be promptly and willingly accorded." * Van Buren was in favor of January first, as on that day the fiscal year began, and later sent a letter from Silas Wright giving the views of "discreet friends." There were, Van Buren said, three ways of treating the matter. Urge Congress to act, remove the deposits before Congress met; or issue the order, select the banks and have everything ready, but not actually begin to make deposits before the first of January. To the first course he was opposed. It was shifting to Congress a duty which belonged to the President. Of the two others he preferred the last, but would support the second should Jackson adopt it.†

When a few days later Van Buren discovered that October first, and not January first, was the beginning of the fiscal year he wrote that his partiality for the first of January was greatly shaken.‡

Jackson now decided to make the removal at once, and having come to this decision wrote Taney that if Duane would not agree to carry it out "the sooner he withdraws the better." He wished to furnish the heads of departments with his written determination that the matter might be closed and put to the test.§ Taney now returned all documents in his possession, and on September eighteenth Jackson read the famous paper to the cabinet.

He charged the Bank with greatly extending its loans during 1831 that as many persons as possible might be brought under its power; with expending eighty thousand dollars for the purchase and circulation of newspapers, magazine articles, reports and speeches in Congress, and reviews of the message in order to influence public opinion against

* Jackson MSS. Taney to Jackson, August 5, 1833.

† Jackson MSS. Van Buren to Jackson, September 4, 1833.

‡ Ibid., September 11, 1833.

§ Jackson to Taney, September 13, 1833.

the administration, and with having asked a recharter in 1832 for the sole purpose of making it a leading question in the Presidential election of that year. "It was," said he, "to compel the President to take his stand that the question was brought forward at that particular time. But he met the challenge, willingly took the position in which his adversaries sought to force him, and frankly declared the Bank both unconstitutional and inexpedient. On that ground the case was argued before the people, and now that the people have sustained the President it is too late to say that the question has not been decided. He was sustained by a just people and he desires to evince his gratitude by carrying into effect their decision so far as it depends on him."

To carry it into effect he must consider how the services rendered by the Bank were to be performed after the expiration of the charter. One of these services consisted in keeping the public money. On the President rested the responsibility of deciding how long the Bank should continue to be the depository of the government money, and his decision was, no longer. To this conclusion he had been forced by the conduct of the Bank in extending its loans in order to bring the people under its power; in spending vast sums of money for corrupting the press of the whole country, hiring writers and newspapers, and publishing and distributing pamphlets, speeches, reports of committees, and articles written to show the constitutionality of the Bank, and containing the grossest invectives against the officers of the government; in inducing foreign holders of the three per cents not to present their certificates for one year and so obtaining the use of money deposited by the government for the payment of the debt; and by its action in the matter of the bill drawn by our government on that of France.

On the fourth of July, 1831, France and the United States concluded a convention for the settlement of the long pending claims of our countrymen for damages suffered by unlawful seizures, confiscations, sequestrations, captures, destruction of ships and cargoes and other property since the last settlement of accounts by the treaty of 1803. Twenty-five millions of francs, about fifty-three per cent. of the

estimated value of these spoliations, were to be paid by France in six annual instalments. The first fell due one year after the exchange of ratifications, and as the exchange was made on the second of February, 1832, Secretary McLane, in February, 1833, drew a sight draft which he sold to the Bank, leaving the purchase money on deposit. The Bank sold the bill in London; the holder sent it to Paris, where it was protested, for the treaty of 1831 was so heartily detested in France that the French Chambers did not make any appropriation to meet the instalment. Paris agents of the Bank took up the bill, and a demand of fifteen per cent. as damages was at once made upon the government. And this too, said Jackson, when the Bank had in its possession, on deposit, several millions of the public money which it was using for its own profit. "Is a fiscal agent of the government which thus seeks to enrich itself at the expense of the public worthy of further trust?" He thought not, and named October first as the day for changing the deposits to the State banks unless proper arrangements could be made sooner.

The reading of the paper having been finished, Jackson, by request, placed the manuscript in the hands of Duane. "Is this," said the Secretary, "a direction by you to me to remove the deposits?" "It is a direction to you to remove the deposits," Jackson replied, "but on my responsibility. And if you will stand by me it will be the happiest day of my life."

Duane took the paper and the next day was asked for his decision. Not having as yet made up his mind he was told that the next day the determination of the President would be made public, and accordingly the Globe announced, by authority, that on or before October first deposits of the public money would cease to be made in the Bank of the United States, and would begin to be made in the State banks at Boston, New York, Philadelphia, and Baltimore.* Duane now placed in the hands of the President a refusal to remove the deposits and gave fifteen reasons. Jackson at once sent back the paper. Duane thereupon informed the President

* The Globe, September 20, 1833.

that he would not resign, nor aid, nor assist, nor in any way participate in the removal of the deposits, and protested against any interference with the powers and duties of the Secretary. For this Jackson dismissed him, made Roger B. Taney Secretary of the Treasury, and published in the Globe the paper read to the cabinet.

There was then on deposit with the Bank more than nine million eight hundred thousand dollars of public money. Every cent of this might at any moment be withdrawn, and much of it was sure to be used in a very short time to meet the current expenses of the government. The Bank was therefore forced to curtail its loans to the extent of seven millions; was unable to use the deposits for the benefit of the commercial community, and the whole system of exchange was suddenly and unexpectedly thrown into confusion. State banks that were debtors to the monster were likewise compelled to stop loaning money freely; and so, too, the twenty-three "pet banks" selected to receive the government deposits; for the share each one might receive depended on its financial condition. As a consequence money became scarce, notes of exchange and discounts rose rapidly, and business enterprises of a hundred sorts were checked or stopped altogether. Perhaps, said one journal in a review of the money market, things will settle down into regularity much sooner than we expect, and less injury be inflicted than we fear. But the present pressure cannot long continue without producing fatal consequences. It may be relieved in some places by the surplus means in others; but there is a panic and every prudent man is holding on to his means, unless in small matters. Exchange which used to cost one-half of one per cent. was now effected with difficulty at two per cent. The discount on notes was often eighteen per cent. Merchants could no longer buy with cash. Farmers would not sell, but stored their produce in hope of better days soon to come. Merchants could not make collections, for it would have been hard to press old customers. Bank notes once willingly received on deposit were now rejected, and would no longer pay debts. At Raleigh the State bank announced that it would do no new business in the way of loans. Many

Philadelphia banks also refused to loan money, or discount notes, till arrangements had been made to meet the demands of the Bank of the United States. A Portland newspaper declared that the very best names could not bring money from the banks. Excellent notes, such as in August would gladly have been taken at six per cent. per annum, were sold in November at a discount of from twelve to twenty-four per cent. per annum.

Quite as alarming was the condition of the currency. The bills and notes of the United States Bank are of necessity, a Baltimore journal complained, becoming scarce. It may be said they are going out of circulation, being gathered up by the Bank itself, or held as tightly in the vaults of the local banks as circumstances will permit. Hence the notes of the State banks, so far as they dare to do business, are forced into circulation and the charge for exchange has been much enhanced, while the shavings of bank notes are much thicker than they were a short time ago. To what extent this contraction of a good currency will proceed, or how far that of a depreciated one will go, no man knoweth. But if local bank notes continue to command specie or specie funds, such notes must disappear almost as rapidly as those of the Bank of the United States are now doing, and the whole business of the country be paralyzed for want of a circulating medium which shall approach within two or three per cent. of its face value. This was no disparagement of the banks; nevertheless it was true that their notes when carried far away from the place of issue were neither money nor currency. There were, for instance, no better banks than those of Louisiana, yet their notes at Baltimore were merchandise, and if to be used as currency must be sold at five per cent. less than the values marked on their faces. Notes of the "safety fund" banks of New York State suffered a discount of two per cent. and those of Alabama and Georgia six and eight per cent. These discounts were the cost of exchange paid by the people, and must increase just as the drafts and notes of the Bank of the United States were retired. The domestic exchanges of that institution amounted, during 1832, to two hundred and forty-one millions, and cost less than two hundred and

eighteen thousand dollars. The indirect exchanges affected through its notes going to distant places and there passing at par as currency were perhaps two hundred and fifty millions in amount, and cost nothing. If the exchange of the local banks, after the retirement of the Bank of the United States, reached the same sum, say five hundred millions, and the discount on notes sold and the premium on drafts purchased were ten per cent., the public loss, and the bill-sellers' and note-brokers' gain, would be ten millions, as against two hundred and eighteen thousand dollars in 1832.

This was no imaginary picture. The government in November was paying its employees in State bank paper, and when several companies of troops were moved from Old Point Comfort to Alabama, and the soldiers wished to exchange their local bank notes for United States Bank paper, they were forced to suffer a loss of twelve and a half cents on the dollar. The government employees and creditors in St. Louis and Illinois, who used to be paid in drafts on the branch of the Bank of the United States at St. Louis, were now given paper of the pet bank at Washington, which they found it hard to dispose of at ninety-five cents on the dollar. At Philadelphia the pressure for money forced up the rate of interest, it is said, to twenty-six per cent. per annum, brought down the price of stocks, and almost stopped the sale of real estate. Unable to afford any relief, the presidents of the city banks memorialized Congress and besought it to restore the deposits to the Bank of the United States. It was, they said, unquestionably due to that institution that the country for ten years past had enjoyed a money system so perfect that in solidity, in adaptation to the needs of all classes, in the facility it gave to internal commerce, it had no equal in any country. But all this had undergone a sudden and an awful change. Moneyed operations in our commercial cities were almost at a standstill; commerce between the States was again laboring under a tax; the circulating medium was once more subject to a scale of depreciation, and a general suspension of specie payment was seriously to be feared. The cause of all this was obvious. On the first of October the whole money system of the country underwent a total

change. To the casual observer it seemed to be but a transfer of the public money from one bank to many banks. But it was in fact a disorganization of the money system of the entire country. Before October first, the revenue paid by the whole country was diffused by the Bank and its branches throughout the whole country. Now the public money is no longer diffused throughout the Union, cannot be used to advantage even where it is collected, and the Bank, so often used to relieve the community, must look solely to its own safety. As the removal of the deposits was the cause of the distress, so the return of the deposits would be the real and effectual remedy.

Jackson in his message denied that any bad results followed his acts. The Bank, by attempting to embarrass one part of the community, and its hireling presses in all parts of the community, by their outcries, were, he knew, striving to create a panic. These were the means through which it sought to force a restoration of the deposits and extort a new charter from Congress. But no panic existed, and were it not that the charter would expire before a decision could be had from the court of last resort, he would put an end to the chartered rights the Bank had so palpably violated by a *scire facias.*

Taney, in a long report, restated the old charges and sought to justify his conduct on the ground that he had no right to suppose that the charter would be renewed; that under no circumstances should the deposits remain with the Bank to the end of its career; that its conduct made an immediate removal necessary, and that the Secretary alone possessed the authority to issue the order so to do.

His reasons having been stated, it remained for Congress to decide whether they were or were not good and sufficient. To discuss the action of the Secretary seemed, however, a waste of time, for the real offender was the President. It was against Jackson, therefore, that Clay led the attack and struck the first blow by proposing a call for a copy of the paper read to the cabinet. As presented, Clay's resolution read, "Resolved, That the President of the United States be requested to inform the Senate, whether a paper under date

of the eighteenth of September, 1833, purporting to have been read by him to the heads of the several departments, relating to the public deposits of the public money in the Treasury of the United States, and alleged to have been published by his authority, be genuine or not, and if it be genuine, that he be also requested to cause a copy of the said paper to be laid before the Senate." Webster held that the genuineness of the paper could not be doubted and asked the consent of Clay to such an amendment as would make the resolution read, "Resolved, That the President be requested to send to the Senate a copy of the paper which has been published, and which purports to have been read by him to the heads of the executive departments, dated the eighteenth day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its offices." In this form the resolution passed the Senate by a vote of twenty-three to eighteen. The next day Jackson sent, not the paper, but a refusal to send it. "The executive," said he, "is a co-ordinate and independent branch of the government equally with the Senate: and I have yet to learn under what constitutional authority that branch of the legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of the departments, acting as a cabinet council." As well might he be required to detail his private conversation. He knew the constitutional rights of the Senate and should be the last man to interfere with them. He also knew those of the executive and should maintain them as required by the Constitution and his oath of office.

Defeated in this attack, Clay followed it up with another, and later in the month, the report of the Secretary on the removal of the deposits being the special order of the day, he rose and offered two resolutions. The first declared that by dismissing one Secretary of the Treasury because he would not remove the deposits, and appointing another who did remove them, the President had exercised a power over the Treasury "not granted to him by the Constitution and laws, and dangerous to the liberties of the people." The second asserted that the reasons assigned by Taney for the removal

of the deposits were "unsatisfactory and insufficient." The resolutions having been read, Clay, in a bitter speech, opened a debate which, with few interruptions, ran on for three months.

Along with this, and breaking into it day after day, went another debate on the question of the reality of public distress, a discussion brought on by a resolution offered by Clay, and by the score of distress resolutions and memorials presented each week to the Senate.

Clay's resolution proposed that the Committee on Finance should be instructed to inquire into the expediency of affording temporary relief from the present pecuniary embarrassment by extending the time of payment of the revenue bonds as they fell due. Never, he said, had he seen the country in such a state of prosperity as it was four months ago. Every interest was flourishing, every branch of trade was prosperous, industry was full-handed and the farmer enjoying the harvest of his labor. But what was now the condition of the country? What article, what production of industry had not suffered a fall? Wheat had declined from one hundred and fifteen cents to ninety cents a bushel. Everything was going down, down, and everything would continue to decline unless some remedy was quickly applied.

It is true, was the answer, that distress to some extent does exist, but that it exists to the extent represented, that the pressure on the money market is really as great as stated, that gentlemen have not drawn largely on their imaginations in describing it, may well be doubted. No petitions have been sent to Congress complaining of the distress, if distress there is. It will be time enough to take measures to relieve the suffering of the public when the sufferers send us their petitions. But there is no great distress. It is mostly imaginary and felt nowhere save in chambers of commerce and among bankers and those whose interests are controlled by the action of the banks. And if the Bank of the United States, which is the cause of whatever distress exists, has the power to produce the calamities so loudly complained of by certain gentlemen, if it does control and influence the prosperity of the commerce, agriculture, and industry of the

country, it is time for Congress to stop and consider whether the Bank ought to be sustained: whether the proper remedy is not to take away the great cause, or at least prevent it from doing further injury.

What do you consider evidence of distress? these objectors were asked. Do you suppose cotton would be offered at New Orleans for nine cents a pound under the Liverpool price if money could be had with which to buy it? Do you suppose wheat would fall off twenty-four cents and corn twelve cents a bushel for any other reason than because buyers are scarce? And are buyers few for any other reason than because money cannot be had? If, said Webster, evidence is wanted in addition to all that has been told us by those who know, the high rate of interest, now twelve per cent., when it was hardly six last September; the depression of stocks, some ten, some twenty, some thirty per cent.; the low prices of all commodities, are proofs abundantly sufficient. But labor, that most extensive of all interests, American manual labor, feels the shock more sensibly, far more sensibly, than capital or property of any kind. Public works have stopped, private undertakings employing many hands have been abandoned, and a great lowering of wages is the inevitable consequence.

At this stage of the debate the presentation of petitions and resolutions adopted at public meetings or passed by the legislatures of the States began to be of daily occurrence. In presenting one from New Bedford, Webster cited the forty failures which had lately taken place in that once flourishing seaport as evidence that distress instead of diminishing was increasing, and cited the high rates of interest as proof of the sacrifices made by men of small capital to protect themselves from ruin.

Never before had a Congress been so petitioned, memorialized and beset with resolutions. In the space of five months more than six hundred were presented to each house. By far the greater bulk of them came from cities, towns, and villages on the seaboard from Maine to North Carolina. The people of the planting section, South Carolina, Georgia, Alabama, Mississippi, Louisiana, sent up all told but fif-

teen. Not one came from Missouri or Tennessee, and but eight from Indiana and Illinois. Ohio contributed sixty-three and Kentucky twenty-seven. It was therefore in the manufacturing, banking, commercial, trading sections of the country, the region of diversified industries, where railroads and canals were building, where speculation was rife, where stocks and bonds and real estate were constantly changing hands, and not in the planting and frontier States that the scarcity of money was seriously felt.

Numerous as were the petitions, they fell into five classes: those in which the petitioners prayed that the deposits might be restored; those in which it was asked that the deposits might not be restored; those condemning the removal of the deposits and in favor of a renewal of the charter of the Bank; those approving the removal and against a new charter; and those praying Congress to adopt measures to relieve the country from the present financial embarrassment. To some were appended long lists of signatures; in one case more than ten thousand, in another more than two thousand names. Such as denounced the removal of the deposits complained of the general want of confidence, the disorder of the currency, the interruption of remittances, the cessation of all business connected with inland exchange, and the purchase and export of produce; of the fall in the prices of stocks, and the general depreciation of property; that loans were called in, discounts reduced, capital hoarded, and credit forced to sustain itself by submitting to usurious rates of interest; that wages were falling, workmen were being thrown out of employment, and public works of all sorts languishing. The committee that came from Albany with a memorial assured Webster, who presented it, that the growth of their city was checked and that the houses building in 1834 were not one-twentieth of the number erected in 1833. Albany was a great lumber market. In good years as much as two million dollars' worth was sold in its yards, and thirty steam tugs were employed to tow the lumber barges to New York. Now so little was sold that eight tugs could with difficulty find employment. Along the canal the amount of flour ready to be shipped was but a tenth of the usual winter output. Wheat which at harvest

time was worth a dollar a bushel, could scarcely be sold for sixty-eight cents. Many a farmer had hauled his grain to market and then taken it home again for want of a buyer. In one instance a sloop loaded with wheat sailed from one of the river towns to New York, lay a week at the wharf without selling a bushel, and then went back to the place of departure. Men in Albany who, in December, 1833, were earning a dollar and a quarter six days in the week, in March, 1834, were seeking employment for two days in the week and for sixty-two cents a day. Others who had received a dollar a day were now glad to work for their board. There was in Albany a large manufactory of stove castings, hollow-ware, and machinery. Since December this business had so fallen off that a hundred hands had been discharged in one day, most of them heads of families.*

When presenting the memorial of sixteen hundred and fifty citizens of Newcastle County, Delaware, Mr. Clayton told the Senate that before the removal of the deposits corn was selling at seventy cents a bushel, but that since the day the order of the Secretary went forth the price had fallen rapidly to forty-five cents a bushel; that the working-men and mechanics of Washington were withdrawing their money from the savings banks, and that manufacturers, unable to get bank accommodations, were forced to cut down wages, discharge hands, or, as in a sister State, resort to the use of "Jackson money." "In an adjoining district of a sister State," said Mr. Clayton, "I understand that the manufacturers have resorted to a plan of retaining the laborers for a time, in the hope of better days, by issuing what is there called Jackson money. For, sir, failing to obtain the necessary assistance from the banks, they are paying the workmen in checks on banks where they have now no funds to meet them, which checks are made payable four or five months from their dates."

Sometimes the meetings which adopted these memorials chose committees to carry the documents to Washington, and it became the custom for the men sent on such errands to visit

* Webster on the Albany Memorial, March 28, 1834.

the President. For a while Jackson received them with that stately courtesy for which he was so justly distinguished. Soon he began to lecture them, and when, on their return home, they described these scenes to those who sent them, he shut his door and refused others admission. Many of the reports of his words and manner were perhaps highly colored and exaggerated. But the truth of the story told by a delegation from Philadelphia was publicly vouched for by every member of the committee and cannot be doubted. They had taken with them a distress memorial bearing the signatures of more than ten thousand citizens of over sixty professions, trades, and occupations, and having delivered it to Congress, went in a body to the White House. The reception was courteous; but the spokesman had scarcely uttered a dozen words when the President burst forth and harangued for twenty minutes. Applications for relief should be made to the Bank and not to him. The Bank was a monster of corruption which he was determined to put down. The law creating it was unconstitutional, and having made up his mind irrevocably on these points Andrew Jackson never would restore the deposits. Andrew Jackson never would recharter that monster of corruption. Neither persuasion nor force, neither the wish of the people, nor appeals of the legislatures, could shake his fixed determination. Sooner than restore the deposits or recharter the Bank he would undergo the torture of ten Spanish Inquisitions. Sooner than live in a country where such a power prevailed he would seek an asylum in the wilds of Arabia. "Go home, gentlemen," said he, "and tell the Bank of the United States to relieve the country by increasing its business. Let the United States Bank make no run on the State banks and I will take care that the State banks make no run on her." One of the committee ventured to reply that there was war between the State banks and the United States Bank. "I know all about it, sir," said he, sharply. "I know that some of your banks have combined in favor of the United States Bank. I have examined the whole subject and understand it better than any of you. I have read the Scriptures, gentlemen, and I find that when Moses ascended the Mount, the children of Israel rebelled and made

a golden calf and worshipped it, and it brought a curse upon them. This Bank will be a greater curse." *

"Well, what do you want?" said he to the delegates from the mechanics and artisans of New York. "What would you have me do? What do you come here for? Why don't you go to the United States Bank? Go to Nicholas Biddle. I have been applied to by committee after committee from New York, Philadelphia, Baltimore, and New York again. One, two, five, seven, and you are the eighth. I have dealt openly and candidly with you all. You have seen the committee from your city: they could tell you of my determination. I told them and I tell you that I will never restore the deposits, I will never recharter the United States Bank, or sign a charter for any other bank, so long as my name is Andrew Jackson. Why am I teased with committees? Here I am receiving one or two anonymous letters every day threatening me with assassination if I don't restore the deposits and recharter the Bank—the abominable institution, the monster that has attempted to control the government. I've got my foot upon it and I'll crush it. Is Andrew Jackson to bow the knee to the golden calf as did the Israelites of old? I tell you if you want relief go to Nicholas Biddle." †

"But they can't buy me," he said to the Pittsburg delegation. "I will not bow down to the golden calf. The Spanish Inquisition could never make me bow down to the monster. Why, would you believe it, the Bank wanted to bribe me, wanted to bribe Andrew Jackson! They agreed to pay off the national debt if I would give them a charter; a bonus that would pay off the national debt! But Andrew Jackson was incorruptible. I would not bow down to the golden calf." ‡

A second delegation from New York was assured that he was determined to make the experiment of carrying on the fiscal concerns of the government through State banks until

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* Report of the Philadelphia Committee appointed by a meeting of manufacturers, merchants, traders, and others. United States Gazette, February 24, 1834.

† Report of the Delegates appointed by a meeting of the mechanics and artisans of New York City.

‡ Report of the Pittsburg Delegation. United States Gazette, March 11, 1834.

the end of the charter of the United States Bank. If it failed, then some scheme would be devised for collecting and disbursing the revenue without the aid of a moneyed institution.

"General," said the chairman of the Baltimore committee,* "you are no doubt aware that the committee has the honor to be delegated by the citizens of Baltimore, without regard to party, to come to you, sir, the fountain head, to make known the distressing situation of the currency of this country, and respectfully to ask, from you, relief——"

"Relief, sir!" Jackson interrupted, in an excited tone. "Come not to me, sir! Go to the monster! Did not Nicholas Biddle come here, sir, and on his oath, swear before a committee, that with six millions in his vaults he could meet the wants of the whole people? And now, when he has wrung more than ten millions from the people he sends you to me for relief! It is folly, sir, to talk to Andrew Jackson. The government will not bow to the monster."

"Sir, the currency of the country is in a dreadful situation. The State banks have not confidence in each other; they cannot give the trade facilities required," said the chairman.

"Sir," the President retorted, "you keep one-sided company. Andrew Jackson has fifty letters from persons of all parties daily on this subject. Sir, he has more and better information than you, sir, or any of you. Andrew Jackson published his opinions in September last. The failures that are now taking place are among the stock jobbers, brokers, and gamblers, and would to God they were all swept from the land."

"The people, sir, have not understood the character of the President, if he is unwilling to hear their calls and demands."

"The people! The people, sir, are with me. I have undergone much peril for the liberties of this people, and Andrew Jackson yet lives to put his foot upon the head of the monster, and crush him to the dust. When I have put him down, the other moneyed institutions will meet all the wants of the people. It is folly in the extreme to talk to me thus,

* United States Gazette, February 13, 1834.

sir. I would rather undergo the tortures of ten Spanish Inquisitions than that the deposits should be restored, or the monster rechartered."

The friends of Jackson by this time did not pretend to deny that real distress existed. It is true, said they, that the recent extensive and sudden curtailment of loans by the Bank of the United States has caused a pressure on the money market. But the extent and severity of the pressure have been greatly exaggerated, and for a purpose. It is hoped, in the first place, that the present administration may be brought into disfavour with the people and overthrown through the agency of the panic so many are now striving to bring on the country, and it is hoped, in the second place, that when panic comes it may lead to a return of the deposits, or secure a new charter for the institution by which the panic has been raised.* As to the greater number of the petitions, they are plainly partisan. We are told that the meetings from which the petitions come were called without distinction of party. In one sense this is so. All persons of whatever party who thought the President had taken a wrong step were called together to say so in words. They were not summoned to investigate the matter calmly and without passion; but such as were determined to condemn the action of the President were called, as it is said, without distinction of party. We are told that old, stanch, and tried friends of the President have signed these memorials; yet in them are expressions of the utmost harshness, such as could never have come from men who ever entertained feelings of respect for the President. The truth is these petitions are not expressions of opinion, but attempts to direct public opinion, to persuade the people to think as the party leaders wish.†

I think far otherwise, said Webster in reply. I think that politics—that is, the political advancement of one man or one set of men—has very little to do with this matter. Look at the three thousand carpenters, house-joiners, masons, painters, and other citizens of New York who have laid their case on our table this morning. Every one of them in signing

* Report of the Baltimore Committee. Niles's Register, March 8, 1834.

† Senator Forsyth on the North Carolina Resolutions.

has added his occupation and place of abode. Is it to be supposed all these men have been actuated only by a political motive to advance one man or one set of men, and to disappoint others? Have we seen such a course pursued heretofore? Has such a state existed when a political question merely has agitated the public mind? Never. Nothing in the history of public opinion has been presented to equal what has been passing before the two houses of Congress during the last six weeks.

Senator Forsyth described the memorials that came pouring in day after day as miserable petitions. He cared not from which side they came. They were miserable petitions gotten up by miserable means and for miserable objects, and were originated in pot-houses. People met together in a tavern and got up a call for a meeting, at which the President was denounced as a tyrant, and charged with trampling down the laws and violating the Constitution. The kind of public opinion they expressed never found its way to a ballot box.

The effect produced on the two houses of Congress by the distress petitions might easily have been foretold. The House of Representatives, where the friends of Jackson were in the majority, voted that the Bank ought not to be rechartered; that the public deposits ought not to be restored; that the State banks ought to remain places of deposit, and passed a bill to regulate the deposit of public money in the banks of the States.

The Senate, where the opposition had a majority, laid the bill on the table, and sent to the House a joint resolution providing for a renewal of deposits, a resolution which the House promptly tabled.

While the debate provoked by the presentation of petitions was running on in this way, Webster read the report of the Committee on Finance recommending the adoption of Clay's second resolution, which was done after a long discussion by a vote of twenty-eight to eighteen. Clay, at the suggestion of his friends, now modified his first resolution,*

* As changed it read, "Resolved, That the President in the late executive proceedings, in relation to the public revenues, has assumed upon himself authority and power not conferred by the Constitution and laws, but in derogation of both."

which was then passed by a vote of twenty-six yeas to twenty nays.*

As Jackson read the second resolution his wrath flamed up, and with all possible speed a long protest was written and sent to the Senate.

The functions of that body, he said, were legislative, executive, and judicial. But it was only when exercising its judicial powers, when sitting as a court for the trial of impeachments that it had authority to examine and decide on the conduct of the President. Cases might arise in the course of legislative and executive proceedings when it would be necessary to inquire into the acts of the President. But such inquiry must grow out of and must tend to some legislative or executive action, and the decision when made must take the form of a legislative or executive act. The resolution of censure, however, was not an exercise of legislative power, because it was introduced, debated, and passed not as a joint, but as a separate resolution, asserted no legislative power, proposed no legislative action, and had none of the attributes of a legislative measure. Neither was it executive in character, as it had nothing to do with treaties nor appointments to office, and was passed at a public and not in a secret session. It was in character judicial, was in fact an impeachment of the President, and amounted to a declaration by a majority of the Senate that he was guilty of an impeachable offense. But in no part of the proceedings were the directions of the Constitution followed. No articles of impeachment were preferred by the House of Representatives. No oath or affirmation was taken by the Senators. The Chief Justice did not preside. No notice of the charges was served on the accused, no opportunity was afforded him to meet his accusers face to face, nor was the verdict of guilty found by the votes of two-thirds of the Senate. When a body intended by the Constitution to be a judge, expressed beforehand its opinion, and thus indirectly invited a presentation, it not only assumed a power intended to be confined to others, but defeated the plain intention of the Constitution.

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* March 28, 1834.

Jackson then went on to defend his order for the removal of the deposits, denounced the Senators from Ohio, New Jersey, and Maine for voting for the resolution of censure after the legislatures of their States had approved his course; declared that the President was the direct representative of the American people; that the whole executive power was vested in him; that he was responsible for the entire action of the executive department; and that if the people permitted the Senate to go on arraigning and censuring the official conduct of the executive, the very foundation of government would be unsettled, and all real power would pass into the hands of men holding their offices for long terms, not elected by the people, and not to them directly responsible.

While the Secretary read the protest the Senators listened in silent astonishment. But the moment the reading ended, Poindexter, from Mississippi, moved that "this paper sent to the Senate by the President of the United States, be not received." Never, in his opinion, and the majority of the Senators quite agreed with him, never before had so extraordinary a paper come from a President. He would not dignify the document by considering it an executive message. It was a paper signed by Andrew Jackson, and should it be rejected it would not be the first paper bearing that name which had been refused a hearing in the Senate because of its abusive and vituperative language. For several years past the President had steadily followed a plan of operation designed to bring the Senate into disrepute with the people, and so remove the only existing barrier to the arbitrary encroachments and usurpations of the executive. What power granted by the Constitution has not the President assumed and used? By the frequent and unlimited exercise of the veto, now for the first time reduced to a practise, the legislative power of the Union has become a mockery, and Congress a body of drudges whose sole duty is to prepare, discuss, amend, and pass bills, which must be sent to the imperial head, who will tell us whether they may or may not become laws. We may, it is true, override his veto by a two-thirds vote of both houses of Congress. But who, with the Blue Book in hand, does not see the impossibility of securing the votes of two-thirds

of Congress against any measure he sanctions? The claims of executive power set forth in the protest, if allowed, will displace all departments by a single executive. The President asserts that all executive power is vested in him; that he is responsible for all the acts of every public officer; that all right, authority and power given them by law is in him; that he stands therefore sole executive officer. In what language did he speak of the Secretary of the Treasury? "His Secretary," "One of his Secretaries." All the Secretaries are his secretaries; the major-general of the army is his major-general; the captains in the navy are his captains; all civil officers of the government are his officers, his instruments. The forty thousand officers in the Blue Book are his creatures, his officers, his army, his instruments to do his bidding, knowing no law but his will. A Secretary of the Treasury having refused to do his bidding, bend his neck to the executive yoke, make himself the instrument for a flagrant violation of law, has been turned out of office. The Senate having passed a resolution which he sees fit to consider a violation of the Constitution, he comes here and attempts to correct it. If the Supreme Court shall in his opinion make an unconstitutional decision, will he not go there and attempt to control the judges?

Sir, said Clay, this protest is a plain and palpable breach of the privileges of the Senate. This body is no general recording office. It keeps a journal of its own proceedings, but not of other people's. The protest proposing no legislation, but containing merely the request of the President that it be entered on the Journal, is not such a paper as he has a right to ask the Senate, or the Senate is bound, to put on the Journal.

I, said Calhoun, shall take my stand at the door of the Senate if I stand there alone. I deny the right of the President to send his protest here. I deny his right to question, within the Chamber, our opinions in any case or in reference to any subject whatever. He has no right to enter here in hostile array. These walls separate us. Without, he has his veto to protect his rights from aggression by us; within, our authority is above his interference and beyond his control.

The right to protest, on the other hand, was vigorously defended by Benton of Missouri, Silas Wright of New York, Grundy of Tennessee, and Forsyth of Georgia. For the first time, it was said, in the history of the government now in operation five and forty years, a motion is made not to receive a message from the President. This, we are told, is because no President ever sent such a message to the Senate. We answer, never before has the Senate done an act which called for such a message. When, until this session, did the Senate censure a Chief Magistrate? Was Washington ever accused of crime by this body? Was the elder Adams, Jefferson, Madison, Monroe, the younger Adams, ever condemned by a vote of the Senate? Was any one of them ever formally accused of usurping power not granted by the Constitution and the laws, and by the deliberate vote of the Senate pronounced guilty? No, never! We are told that some of the doctrines and principles of the protest are unsound. Admit that they are so, and it is no valid reason why the message should be rejected. They are the views and opinions of the President, and entering them on the Journal does not mean that they are approved of, or entertained by the Senate. If the sentence be right, if we are sure that our judgment is sound, surely we ought not to be afraid to put on the Journal what the accused has to say in his defense. Three points are to be considered. Had the President a right to send the protest to the Senate? Is it the duty of the Senate to receive the paper? Is it the duty of the Senate to enter it on its Journal? As to the first point, we hold that any private citizen who feels aggrieved by the action of the Senate has a right to remonstrate in respectful language and appeal to the justice of the body inflicting the injury. Has the President lost this right because he holds a public office? He feels himself aggrieved, personally and officially, and exercising the right of petition he sends us his remonstrance and protest against the injury, as he has a constitutional right to do.

Must the Senate receive the protest? Yes. For its duty as to this paper is the same as it is to any other petition or remonstrance. But is it the duty of the Senate to enter the remonstrance on the Journal? That is a matter of justice,

purely. We are told the President has no right to make such a demand. True; but he makes no such demand, he merely requests, respectfully requests, that we permit it to be entered to the end that for all future time the Journal may exhibit the whole case.

Arguments of this sort, however, availed nothing, and on the seventh of May four resolutions were adopted by a vote in each case of twenty-seven to sixteen. The first declared that the protest asserted powers to belong to the President which were inconsistent with the just authority of the two Houses of Congress and with the Constitution. The second was to the effect that the Senate did not recognize any right of the President to protest against its vote and proceedings, declaring them to be illegal and unconstitutional and asking the Senate to enter his protest on the Journal. The third declared the protest was a breach of the privileges of the Senate and should not be entered on the Journal; and the fourth, that he had no right to send to the Senate a protest against any of its proceedings.

The quarrel between Jackson and the Senate now grew fiercer than ever, and before the session closed a joint resolution was passed declaring the reasons of the Secretary for removing the deposits to be insufficient and unsatisfactory, and that after July first the money of the government should again be deposited in the Bank and its branches; a House bill to regulate the public deposits in State banks was tabled; a resolution to expunge the vote of censure was promptly voted down; and a long list of important nominations rejected.

At the opening of the session in December, the President had submitted the names of five men to be government directors of the Bank for 1834. To one, James A. Bayard, no objection was made, and he was at once confirmed. But Henry D. Gilpin, Peter Wager, John T. Sullivan, and Hugh McElderry had done an act the Whigs could not condone. They had served as government directors during 1833, and acting under orders from the President made a report on the expenditures of the Bank for printing such essays, speeches, reports, reviews, and addresses as were circulated by that institution for the purpose of effecting the election of 1832.

They were, therefore, in the opinions of the enemies of the President, a set of spies, and the Senate by a strictly party vote refused to "advise and consent to" their appointment.* In the opinion of Jackson their conduct was worthy of all praise. They had performed their duty like honest men, and highly indignant at the treatment they had received he sent back their names, accompanied by a long message.† The report, he said, was made in obedience to his orders. The five directors appointed by the President were not mere bank officers representing stockholders. They were not placed on the board to represent the stock held by the United States. They were there to observe the conduct of the Bank officials and to watch over the public interests. As public officers, as sentinels placed by law in the board, it was their peculiar and official duty to make disclosures, to sound the alarm when necessary. Never would he consent to lay before the Senate the names of men who would not discharge these duties with the same firmness and honesty exhibited by the directors the Senate had refused to confirm. He could therefore see no reason for selecting others, and intimated that, if again rejected, he might leave the directorships vacant.‡ But the Senate stood firm and a second time refused to confirm the appointments.§ Jackson now gave way, and Mr. Bayard having refused to serve, nominated five other men, whom the Senate promptly confirmed.

But when the next quarrel arose the President stood firm, and during four years there was no American Minister at the Court of St. James. After the rejection of Van Buren in January of 1832, Jackson allowed a year and more to go by before he selected Andrew Stevenson, Speaker of the House of Representatives, for the mission, and bade the Secretary of State inform him that he would be expected to depart some time during the summer of 1833.|| But the friends of Mr. Stevenson, fearing that the Senate would take offense at another appointment during a recess of Congress, persuaded Jackson to withhold the nomination till the Senate was again

* February 27, 1834. Executive Journal.
† Ibid., March 11, 1834.
‡ Executive Journal, March 11, 1834.
§ Ibid., May 1, 1834.
|| March 15, 1833.

in session. Meantime Stevenson was reelected to Congress, and in December was, for the fourth time, chosen Speaker, and presided over the House during almost the whole of the stormy session of 1833–34. At last, late in May, when the day of adjournment was near at hand, when the important legislation was finished or far advanced, when the duties of the Speaker were all but done, his nomination to be Minister to Great Britain was placed before the Senate. The Committee on Foreign Relations, suspecting that the nomination might be a reward for services rendered, proceeded to investigate, unearthed the fact that the post had been tendered more than a year before, and advised that a call be made for a copy of the letter of the Secretary of State to Stevenson. Jackson denied the right of the Senate to ask for such a paper, but sent it, as he said, to prevent misunderstandings. After it was received consent to the appointment was refused. That the conduct of the Speaker had actually been affected by the promise of a splendid foreign mission there was, indeed, no positive proof; but the precedent was too dangerous to be suffered to pass unnoticed. That the decision was wise admits of no doubt; but Jackson regarded it as a personal affront, and for two years and more he allowed the mission to remain vacant.*

On the same day on which the Senate rejected the nomination of Speaker Stevenson it also refused consent to that of Roger B. Taney.† Thereupon Levi Woodbury was appointed Secretary of the Treasury and was at once confirmed.‡

In the course of the long and stormy session now about to close the interest of the people was chiefly centered in the bitter quarrel of the President with the new party, which soon took the name of Whig. The removal of the deposits, the censure of the President by the Senate, the protest and the refusal of the Senate to enter it on the Journal, the attempt of Benton to have the censure expunged, the rejection of the nominations, the financial distress, the public meetings, the memorials and the stormy interviews of com-

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* Executive Journal, May 22, June 12, 13, 24, 1834.

† Ibid., June 24, 1834. ‡ Ibid., June 27, 1834.

mittees with the President, had overshadowed all else. Yet the session was not barren of important legislation. A great piece of territory north of Missouri and between the Mississippi, the Missouri, and White Earth Rivers and the north boundary of the United States was attached to Michigan; the department of Indian affairs was organized, the bounds of the Indian country were defined, three coinage bills from which Jackson expected great results were sent to the President and approved, and an attempt made to regulate the deposit of government money in State banks.*

While the Committee of Ways and Means were framing the deposit bill, the Secretary of the Treasury was consulted, and in his reply took occasion to urge that an effort be made to provide the country with sound metallic currency. A favorite argument in behalf of the recharter was, he said, the great things which the Bank had done as a regulator of the currency. That it had done anything he positively denied. For seventeen years past it had been in existence, and must in that time have exerted all the influence over the currency that ever could be expected from it. Yet sixty millions, or more than three-fourths of the paper money in circulation, came from State banks, which were not supposed to have in their vaults more than twenty-five millions in specie. If this estimate were correct the condition of the currency was far from good. It was an immense superstructure of paper resting on a metallic base too narrow to support it, and was sustained not by its own weight but by public confidence. The remedy was to diminish this proportion and give the paper currency a broader and firmer metallic foundation. But gold and silver could never circulate where bank-issued notes came in competition. In order, therefore, to bring the precious metals into use paper must be dispensed with by withdrawing the notes of both the Bank of the United States and of the State banks. The former was about to go out of existence in 1836, and might be left out of consideration. But a day should be fixed after which no State bank issuing notes under five dollars should be a depository of the public

* The House passed such a bill, but the Senate laid it on the table.

money, or have its bills taken in payment of debts due to the United States. The void thus created should be filled by gold and silver; and when this was done, another day should be named after which all notes under ten dollars must be recalled, and finally under twenty dollars. The laboring classes of the community, the Secretary continued, were paid their daily or weekly wages in bank-notes of small denominations, and where the coins in circulation were of doubtful value or slightly depreciated they too were often employed in making payments at face value to the poorer and helpless classes of society. If the change suggested were made, the small notes would soon disappear and the laborer would be paid in full-weight gold and silver coin and so guarded from imposition and injustice. It was time that the just claims of this portion of society should be considered in our currency legislation.

Before this could be done there must be a reform in the coinage of gold, for every eagle, half-eagle, and quarter-eagle was worth in silver more than the value stamped on its face. They were therefore never seen in the ordinary exchanges of daily life. The Secretary therefore advised that gold and silver should be placed on a parity, and in order to have plenty of specie with which to replace the small bank-notes he urged that gold coins of foreign mintage should once more be made a legal tender in payment of debts.

The Committee of Ways and Means accordingly inserted in the bill to regulate the deposits a provision for banishing from circulation after a certain day bank-notes under five dollars, and for substituting gold and silver coin in their stead, a provision which was lost with the bill.

Legislation on the coinage, however, was not defeated. A select committee took charge of the matter and reported three bills providing for all the Secretary had suggested. One legalized the gold coins of Great Britain, France, Spain, Portugal, Mexico, Colombia, and Brazil.* Another made current money, by tale, of the five-franc piece of France and the silver dollars of Mexico, Central America, Peru, Chili,

* Act of June 28, 1834.

and Brazil.* The third changed the ratio of silver and gold from fifteen to one to sixteen to one, and altered the weights of eagles, half, and quarter eagles accordingly.†

All three were approved by the President, and on the first day of August the coinage of the new gold pieces began at the mint. They were to be distinguished from the old coins, the Director announced,‡ by the removal of the cap from the head of Liberty, and the omission of the motto *E Pluribus Unum,* which, since 1831, had not appeared on the quarter dollar and had never been authorized by law.

Whig presses and Whig orators laughed at the idea of forcing gold into circulation by act of Congress, argued at length to prove the folly of attempting to make State bank-notes and specie circulate together, and sneered at the design on the new gold coins. Liberty, they would say, has been stripped of her cap. Liberty is henceforth to be unprotected. Jackson is afraid it might be mistaken for a w(h)ig. When an old Roman set free a slave he put a cap on his head in token of freedom. Jackson, America's old Roman, has taken the cap off Liberty that we may know that the people are no longer free.

Jackson men on the other hand were delighted with the law, named the new coins "Huzza money," "Jackson money," "Benton's mint drops," "Jackson yellow boys," and clamored for a speedy issue of "yellow jackets." Nor was the Director of the Mint loath to comply. Never did his force work harder, and week after week the output of eagles and quarter-eagles was chronicled by the party press. By the middle of October, when the election came on, nearly a million five hundred thousand dollars in gold had been sent out from the mint. All manner of good results were predicted; but the prophesy which most amused the Whigs was made by the Washington Globe. The West, according to this journal, was to be the chief gainer. Emigrants going thither would all carry gold in preference to silver or paper. The land offices would become receptacles or reservoirs of gold, whence it would be distributed to the people through

* Act of June 25, 1834. † Act of June 28, 1834.

‡ Samuel Moore to Levi Woodbury, August 2, 1834.

government disbursements, through the military, the surveying, the Indian departments, and woe to the officer who henceforth paid his men in paper. A great stream of gold would flow up the Mississippi from New Orleans and diffuse itself over the Great West. Nearly all the gold coinage of the new world would come to the United States, for all the new coinage of the governments of Mexico and South America, being the coinage of rebel provinces, could not go to old Spain or any of her dependencies. This would fill the West with half-joes and doubloons, and in eight or nine months every substantial citizen would have a long silken purse of fine open network, through the interstices of which the yellow gold would shine and glitter. Then travellers would be free from the pestilence of ragged, filthy, and counterfeit notes. Every substantial man, every substantial man's wife and daughter, would travel upon gold. The creatures of the Bank alone, to show their servile subjection to their liege monarch, would repine at the loss of paper.

Taking the hint, Jackson orators and stump-speakers made haste to secure "long green purses" of fine open network, which they filled with yellow boys, to be jingled in the faces of admiring crowds.* Counterfeiters, too, went hard to work, and in a little while Becknell's Reporter was warning the public to beware of counterfeit half and quarter eagles, so well executed that persons unused to gold would find it hard to detect them.†

Not to be outdone, the Whigs adopted as their campaign badge a gilt button, on which was a liberty cap and the motto *E Pluribus Unum*; erected a liberty pole surmounted by a cap at each of their headquarters, and on one occasion, in

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* Niles's Register, October 4, 1834. At a ward meeting in Philadelphia it was "Resolved, That the only 'bag of gold' ever shaken through the streets of Philadelphia to any good example was the one carted in effigy during the revolution by the tempter Satan and rattled in the ear of the traitor Arnold."—Niles's Register, September 20, 1834.

† At the great Whig festival at Salem, Edward Everett told his audience that "somebody (a Tory no doubt) has palmed off on my Whig simplicity this very day for a quarter of a dollar, a French franc piece, not certainly worth more than nineteen cents at best, and a good deal the worse for wear."

resolutions adopted at a Whig rally, complained that the administration had "removed even the symbol of freedom from the eyes of the people" and had "disencumbered our coin of the hallowed Liberty Cap and the venerated motto of Union." *

The first half-eagle of the new design coined at the mint was sent to Jackson by the chief coiner, who informed him that it was the intention of the United States Bank to buy up all the gold coin as issued by the mint and so prevent its circulation. This, the President replied, was to be expected. The gold bill and the other metallic bills he believed had done more for the prosperity of the Union by rousing the people to a sense of their own prosperity than all other legislation of Congress since the adoption of the Constitution, and for accomplishing this Taney, Benton, and Polk deserved not merely golden medals but the gratitude of the country.†

The idea of stopping the circulation of small notes found much favor in many States, and at the winter sessions of the legislatures became the subject of legislation. In New Jersey memorials were presented praying for the suppression of notes under five dollars. In Pennsylvania petitions were handed about in many counties asking for an act prohibiting the issue by the banks of notes under twenty dollars. In Ohio the Governor in his annual message referred the whole matter to the legislature, which instructed the committee on the judiciary to inquire into the expediency of reporting a bill forbidding the county and State treasurers receiving in payment of taxes any note less than five dollars, or notes of any denominations issued by any bank in the State unless it assured the auditor, before July fourth, 1835, that it had ceased to issue notes under five dollars.

The committee reported that such bills were not legal tender and consequently the treasurers were under no obligation to take them; that the purposes of the resolution seemed to be to force the banks not to do what the legislature had

* Whig Young Men's Meeting, Philadelphia, United States Gazette, September 26, 1834.

† Jackson MSS., Library of Congress. Jackson to William Findley, August 20, 1834.

empowered them to do, that this was an indirect violation of their charters and not to be recommended.

Governor Marcy of New York heartily approved of the views of Jackson and asked the legislature to suppress all notes under five dollars. The benefits would be manifold: the public would get a better currency composed in part at least of coin; the workingman would no longer be the victim of spurious and uncurrent bills; the ruinous consequences of sudden expansions and contractions of paper currencies would be prevented, and greater stability given to the business of the country. The response to this appeal was the enactment of a law providing that no bill under two dollars should be offered, or given in payment, after the first of September, 1835; none under three after March first, 1836, and none under five nor between five and ten after September first, 1836.* The amount of notes under five dollars in circulation on the first of January, 1835, was three million seven hundred thousand dollars.

Maine selected June first, 1835, January first and June first, 1836, as the dates on and after which one, two, and three dollar bills should cease to circulate or be issued.† Connecticut forbade her banks to put out notes under two dollars after July first, 1835, and under three dollars after January first, 1836, and stopped their circulation on the same days chosen by New York.‡ In New Jersey no bills under two dollars were to pass current after July fourth, 1835; none under three after March first, 1836, and none under five on and after July fourth, 1836.§ New Hampshire chose July first, 1837, as the date after which there should be no issue of notes under two dollars, nor between three and five, five and ten, ten and twenty, and July first, 1838, for the stoppage of bills under three dollars.‖ Alabama prohibited the circulation of out-of-State bank notes under five dollars, and the issue of bills of like denomination by her own banks after June first, 1835.¶ In Pennsylvania, Mary-

* Act of March 31, 1835. † Act of March 21, 1835.
‡ Laws of 1835, Chapter XVI. Passed June 4, 1835. § Act of March 4, 1835.
‖ Laws of 1837, Chapter CCCVI. Passed January 13, 1837.
¶ Act of January 10, 1835.

land and Virginia notes under five dollars had long been "cried down" by law, and the attempt in Pennsylvania to include bills under twenty dollars failed.

Of all the humbugs of the present administration, said the friends of the banks, the greatest is this cry for specie small change. If you stop small notes and suffer the large to remain, do you not strike a deadly blow at the little interests of the poor and leave untouched the great interests of the rich? It may be said the poor man will always have it in his power to get his five-dollar bill changed into silver by the storekeeper on making a small purchase. But does it work so in Pittsburg where, by the law of Pennsylvania, notes under five dollars cannot circulate? The poor man is paid for his labor with, we will say, a five-dollar note of a bank in Ohio or Virginia and goes to the baker to buy a loaf of bread. Will the baker give silver in change? No indeed, he will not. The poor man must go to the broker and have the note shaved. Were small notes in circulation he would receive most of the change in bank paper at par. But they are not in circulation, so he must use a part of his five dollars to buy silver change, at a cost of twelve and a half cents. The dealer in bread, flour, meat, tea, coffee, on the other hand, purchases in large quantities and pays in paper at par. Small notes are emphatically the poor man's currency.

This was the view taken by those whose dealings were with the poor man and when in New York the law went into effect they promptly nullified it. We are in a pretty box, said a New York journal, since those little monsters called one-dollar notes have been turned out of the city. The banks will give you gold, plenty of gold, yes, Jackson gold five-dollar pieces, but no silver, no fips, pistareens or shillings. We can make no change in our markets.* Believing, said a Schenectady † editor, that the law against the circulation of notes under five dollars is contrary to the spirit of the laws incorporating the banks of this State, we shall continue to receive bills of one dollar as though the act had never been passed. We shall take one-dollar bills at our office the law to the contrary notwith-

* New York Evening Star. Niles's Register, September 19, 1835.

† Schenectady Cabinet, August 25, 1835. Ibid.

standing, said another editor,* and this is the determination, we understand, of the merchants in town generally. We do not approve of deliberate violations of law; but in this case the law conflicts with the interest of the public. The fact is, said the New York Sun, the little rascals know the good opinion the public entertains of them too well, and the many excellent friends they have purchased at a dollar apiece, to care much about the cruel decrees of a set of crusty old lawgivers. They slide along as smooth as oil, laughing at laws, knowing that so long as they buy meat and bread for the hungry, physic for the sick, clothes for the naked and drink for the thirsty, they are in no danger of extermination. To stop them would be as impossible as to bottle up moonshine or draw the ocean with a thimble. Jackson butchers and grocers in New York, it is said, made something of a show against one-dollar bills for a week, but found it so unprofitable to be patriots that they yielded and then all went quietly on in the old way.

Along the seaboard, the hard times which followed the removal of the deposits, and the depressed state of business of every sort, caused by the State banks refusing loans, was followed by a reduction of wages and discontent among the workingmen everywhere. This, it was explained, is unavoidable. With money at two and a half per cent. a month, with products of all kinds selling at greatly reduced prices or not selling at all; with mills and factories shutting down or discharging hands by the hundreds, wages must fall or employment cease. Four eastern factories had dismissed eleven hundred men. The blast furnaces of New Jersey would soon be put out. In Philadelphia but eight building permits had been issued during 1834 as against six hundred for the same period in 1833. These were but typical instances of a general condition which bore heavily on the banks, the manufacturers, the merchants and the workingmen. It was better that wages should be low and many have work, than be high and few find employment.

The workingmen, however, thought otherwise and the old

* Oneida Whig. Niles's Register, September 19, 1835.

agitation for shorter hours, better pay and combined action went on with renewed energy. In October of 1833 committees of the various trade organizations in Philadelphia were appointed to confer on the ills of labor. In Boston, in January, 1834, steps were taken to form a trades union of mechanics, and in March in each of these cities a General Trades Union was formed, a constitution adopted and officers elected. At Lowell in February the girls in the factories turned out to prevent a reduction of wages; but others from the country filled their places and the attempt failed.

On the Fourth of July in Boston there was a labor parade, an oration and a dinner. In August a convention of mechanics met at Utica to take such measures as might be necessary to protect them against the State prison monopoly. When the new year opened the movement against convict labor and for a ten-hour day became general. In New York the stonecutters struck, held a meeting, denounced the practice of cutting stone in the prisons, and appealed to brother mechanics and other members of the fire companies not to assist in putting out fires when the goods in the building were prison made. Philadelphia coopers complained of the sale in that city of casks manufactured in the New York prisons, described their importation and sale at a price less than was asked for those of home make as an invasion of their rights, resolved not to have any dealings with persons who sold or used such casks, and denounced, as anti-republican, the system of legislation which converted prisons into huge monopolies.

Striking cabinetmakers in New York became so enraged at the importation of French furniture that a band of them entered an auction room where some was for sale, and destroyed bureaus, sofas and tables to the value of a thousand dollars. A newspaper, in reporting the deed, remarked that the determination of these men that no foreign-made furniture should be sold in New York was expressed in a foreign tongue; that while they could see no impropriety in Americans importing such articles as foreign workmen, they seemed to be quite sure that articles of taste or fancy must not be procured elsewhere than at home. Things were really at a pretty pass when men are to be told how and when they shall

spend their money, what they may or may not import, and all this by a combination of interested parties.* Said another journal: The foreigners engaged in this affair must be taught a lesson, the liberty of this land gives no one a right to injure the person or property of another or in any wise to interfere with the business of another.

Coal-heavers on the Schuylkill wharves in Philadelphia struck for a laboring day from six in the morning to six in the evening with an hour for breakfast and another for dinner, assaulted those who would not join them and raised a riot the mayor found it difficult to put down. The employers then met, offered to pay one dollar for a working day from sunrise to sunset, with one hour for breakfast, and two for dinner; the agreement to run from June first to September first, and pledged themselves unless it was at once accepted to discharge the strikers and never again employ one of them.

The seamstresses, who made shirts and pantaloons, now appealed to the public and stated their grievances. For sewing shirts they were paid eight, ten, or twelve and a half cents each. By working from six in the morning to nine at night they could make nine in the course of a week; thus earning seventy-two, ninety, or a hundred and twelve and a half cents per week. Carpenters were paid a dollar and a quarter for ten hours' work, and masons a dollar and three-quarters for ten hours of labor. That women should be given less for a week's work than carpenters and masons for one day's work was cruel and unjust.

After a series of meetings in Independence Square and a street parade the carpenters adopted a report of a committee demanding a six to six day; divided the city into three districts with a committee for each to watch the shops, and petitioned councils to adopt the ten-hour system for all city work. Most of the master carpenters gave way at once, and councils, without debate, passed the desired ordinance. The leather-dressers demanded six to six from May first to September first, and sunrise to sunset for the rest of the year. Catching the movement of the day the plumbers and wood-sawyers

*New York American, April 30, 1835.

struck for higher pay, gangs of tipsy seamen paraded the streets with a banner inscribed "Eighteen dollars a month and small stores (grog) or death!"; the tailoresses, seamstresses, binders, folders and stockworkers demanded more wages, and the block and pump makers, in a card, thanked their employers for accepting the ten-hour day without a struggle. Retail grocers, flour merchants, and oil merchants found it necessary to consider the question of closing their shops every night, save Saturday, at eight o'clock instead of eleven. The bakers announced they would not bake on Saturday night nor on Sundays, nor work more than eighteen hours per day. To this some of their employers refused to yield, and assured the public they would do the baking themselves rather than give way. Others made terms. The cordwainers threatened to publish the names of stubborn employers and made good the threat, whereupon the master cordwainers met to discuss an increase in the price of shoes. The saddlers and harness-makers served notice that after July twenty-first, no piece-work should be done for any employer who did not accept the ten-hour system.

Members of the Philadelphia Trades Union met in Independence Square, heard speeches by labor leaders from New England, approved the stand taken by the Boston housewrights for a ten-hour day, and were urged to give up some luxury, as tobacco, and contribute twenty-five cents a week for the support of the Boston strikers.

In Albany the coachmakers resolved that all future contracts must be made on the basis of a ten-hour day. In Boston the ship-carpenters, having failed to obtain a ten-hour day, sought to secure two hours for dinner, then from one to two o'clock. The master mechanics after several meetings agreed to fix the dinner-hour at twelve and petitioned city councils to order the bell to be rung at that time. In December the house-carpenters commended the example set by the citizens and local government of Philadelphia in adopting the ten-hour day as one worthy of imitation in Boston, and notified all employers that during the coming year they would do all in their power to obtain a like reduction in the hours of daily labor.

CHAPTER LX.

POLITICS AT HOME AND ABROAD.

An incident which adds more than passing interest to the elections of 1834 was the use of a new party name, for then was it that the opponents of Jackson dropped the name of National Republicans and began to call themselves Whigs. This term had been adopted during the spring elections in New Hampshire and Connecticut by those who, charging the friends of Jackson with restoring the kind of government against which our forefathers rebelled, called them Tories and themselves Whigs. But it was the great Whig victory in New York and the festivals held in its honor that gave the name widespread acceptance.*

The charter election in that city was held on the second Tuesday, Wednesday and Thursday of April, and surpassed in bitterness and excitement any since the people had elected their mayor. Each day at noon the Exchange was closed, the shops were shut and business of all sorts suspended, that every man might go to the polls. On the first day the rain fell in torrents, yet more than twenty thousand votes were polled, a number greater by three thousand than were deposited during the three days of the November election of 1833. In most wards the voting went on quietly; but the sixth and eleventh, where the office-holders lived and Tammany was strongest, were the scene of shameful riots. In the sixth at noon of the first day a large body of Irishmen armed with

* "In New York and Connecticut the term 'Whig' is now used by the opponents of the administration when speaking of themselves, and they call the Jackson men by the offensive name of 'Tories.'" Niles's Register, April 12, 1834. "As if by universal consent, all parties opposed to the present administration call themselves Whigs." Niles's Register, September 13, 1834.

bludgeons and stones marched in a body to Masonic Hall, where the Whig committee held session, tore down the banners, destroyed the ballots, and seriously wounded some twenty people. The mayor was called on for aid, but replied that he had no means of rendering it. A great Whig meeting was therefore held that same day at Masonic Hall. Some four thousand men attended and resolved that in order to keep the peace of the city the friends of the constitution and the liberties of the people would gather there at half-past seven on Wednesday morning and march to the sixth ward poll for the purpose of keeping it open to voters, and did so. Guards were also placed about the arsenal, the bank, the Exchange and some of the newspaper offices which the rioters had threatened to destroy. During that day more than nine thousand votes were polled. After the polls closed on the third day the ballots were counted and the returns showed that Lawrence, the Tory candidate for mayor, had been elected by a majority of 181; but the Whigs had secured a majority of three in the board of aldermen, and a majority of one in the board of assistant aldermen.

This victory put them in control of the appointment of all officers and the expenditure of the money of the city, and was hailed with delight. A great collation was given at Castle Garden, speeches were made, toasts drunk, and a salute fired from the miniature frigate Constitution which the Whigs had dragged about the streets during the three stormy days of election. When the feast was over the crowd, in a solid column, marched to the house where Webster was dining, called him out and listened to a short speech.

As news of the victory spread it was greeted with like outbursts of popular joy. At Philadelphia a meeting at Musical Fund Hall congratulated the Whigs of New York on their late victory. A Whig salute of a hundred guns was fired on the Boston Common, and another at Portsmouth which so enraged the Tories that they burnt Clay and Webster in effigy, and tore down the sign and eagle from the branch office of the United States Bank and gave them also to the flames.

When the Whig victory at New York was followed by like triumphs at Auburn, Syracuse and Albany more Whig jubi-

lees were held at Pittsburg, Cincinnati and Baltimore, where a resolution was adopted calling a State convention and instructing a committee to have ready "fundamental rules for the government of a State Whig society." At Boston Whig enthusiasm was roused to a great pitch by the appearance of a wooden effigy of Jackson on the bows of the frigate Constitution and no small satisfaction was expressed, when, one stormy night in July, some person unknown sawed off the head and carried it away.*

As soon as it was apparent that the head could not be recovered Commodore Elliott ordered a new one to be carved in secret by Dodge and Sons of New York City. When this was ready the Constitution, finely provisioned and manned, sailed from Boston to New York and dropped anchor opposite the Navy-yard. There the new head was quietly placed on the bows, and this done the Constitution was at once towed into the lower bay. "We are exceedingly glad," said a New York newspaper, "that it has been done by stealth. Had the ship been at the wharves of our city, or at any place where the populace could have reached her, we very much fear a riot of the most serious consequences would have followed, the end of which no human being could foretell. The opinion is general among all classes of respectable citizens, that neither the head of General Jackson, nor that of any other living man, should be placed on the bow of that or on other frigates." †

As the autumn elections for governors, legislatures and members of Congress drew near, the excitement which spread over the country became intense. Conventions, mass meetings, hickory poles, liberty poles, were the order of the day. Candidates were called on to declare their opinions on the protest, on the removal of the deposits, on the arbitrary conduct of the President, and if they admitted the right of instruction. In New England, save in Maine, three parties were in the field, the Anti-Masons, the Whigs and the Jack-

* Boston Courier, July 4, 1834. Niles's Register, May 17, July 12, 19, 1834.

† New York Courier and Enquirer, March 16, 1835. New York Commercial Advertiser, March 14, 1835.

sonians. Elsewhere the Anti-Masons counted for little and the contest was between the Whigs and the Jackson men. In Pennsylvania the Anti-Masons, as the phrase went, were "quieted," or voted with the Whigs. In Georgia and South Carolina the two parties kept the old names of Union and State Rights. The Whigs elected two of the seven congressmen in Maine, the entire delegation in Vermont, the Governor in Massachusetts, the legislature in Rhode Island, nine congressmen in New York, eleven in Pennsylvania, a majority of the Congressional delegation and of both branches of the legislature in Ohio, the member of Congress and the legislature in Delaware, the legislature of Maryland, the Governor of Indiana, the legislature of Kentucky, and made great gains in other States.

That elections so hotly contested should pass off without deeds of violence was impossible. The era of mob rule had fairly opened and issues of every sort were met with force. At the spring elections in New York the Whigs complained that gangs of Irishmen armed with stones and bludgeons drove them from the polls, attacked their committee in its own room, put mayor, sheriff and posse to flight and terrorized the city. At the autumn elections in Philadelphia the riot assumed serious proportions, shots were exchanged, the Whig headquarters sacked and set on fire, the firemen beaten off and a block of buildings consumed.

On the line of the Chesapeake and Ohio Canal the imported laborers were known as Longfords and Corkonians. From fights between individuals the trouble grew to encounters between gangs, between parties and finally to a pitched battle in which two great factions engaged. The civil authorities, unable to quell the riot, called on the Hagerstown militia. But the troops were too few to restore order, nor was peace secured till at the instance of the leading citizens a treaty was drawn up and signed by eight and twenty chiefs of the warring factions. Each side bound itself by this instrument to keep the peace, not to molest any one because he was a Longford or a Corkonian, and to bring to justice all who broke the compact in any way.

Outbreaks of this sort were by no means confined to the

natives of Ireland. Later in the year a far more serious and disgraceful riot occurred within three miles of Boston.

On Mount Benedict, in that part of Charlestown called Somerville, there was then standing a plain brick structure known as the Ursuline Convent. This nunnery, as the people called it, was in reality a female seminary, and within its walls in 1834 were twelve nuns and fifty-seven scholars placed there by their parents, mostly Protestants, for the purpose of education alone. The presence of such an institution in the heart of Puritan New England seems never to have been viewed with favor by the community in general. But feeling against it did not run high till Miss Rebecca Reed fled from the convent and told tales of harsh penances imposed and cruel punishments inflicted which grew in horror as they passed from mouth to mouth and found too ready listeners. To these were added others describing the horrible immorality of the inmates, tales which had no foundation in truth. All were believed, however, and when in 1834 Sister Mary John escaped in a half-dazed condition and took refuge at a near-by house the community was roused to action. A nun, so the story went, had fled from the convent, had been discovered by the Bishop and persuaded to return for three weeks on condition that, if at the end of that time she still wished to leave she should be honorably discharged. But when the allotted period had passed and her friends came to take her away she was not to be found. That she was missing was false, but it was believed, and the rumor spread far and wide that she had been murdered or was shut up in the convent dungeon. At this stage the newspapers took up the rumor, and for several days the "mysterious body" was the subject of comment which aroused intense excitement in Charlestown.

The Selectmen, alarmed by the popular anger, hastened to investigate, visited the convent, searched every room, took off the door of the tomb, looked in, and went away to prepare a statement of their visit and its results. Bishop Fenwick published a denial of the story and promised to make a public statement of the facts in a day or two. The gentleman at whose house the nun first took refuge called at the convent, saw her and in his turn wrote a statement for publication.

But they all appeared too late. The mischief was done and on the night of August eleventh a mob drove the inmates of the convent from their beds, sacked the building and set it on fire.

As news of the outrage spread to the neighboring towns every Catholic was filled with indignation and every right-thinking Protestant with horror. The mayor of Boston at once called a public meeting in Faneuil Hall, where a committee to investigate was appointed and resolutions adopted denouncing the burning of the convent as a base and cowardly act, calling on the good citizens to express their abhorrence of this high-handed violation of the law, and assuring the Catholics that the Protestants of Boston were ready to unite in protecting the persons, the property, the civil and religious rights of their "Catholic brethren." * That same afternoon at a meeting of citizens in the town-hall at Charlestown, like resolutions were adopted, a Vigilance Committee appointed and a reward offered for the detection of the perpetrators of the outrage. On the following day a meeting at Cambridge expressed the indignation of the people of that town.

There were those, however, on whom assurances of this sort had no effect. During the night after the burning of the convent a mob of half-grown lads and men paraded the streets of Boston, menaced the Catholic church in Franklin Street, marched to the convent, burned the fence, tore up the grapery and destroyed the orchard and the garden. That the Catholics, after so much provocation, should remain quiet seemed hardly possible. Indeed, rumors were afloat of vengeance threatened, and of an army of Irish laborers from the Worcester, Lowell and Providence railroads on the march to Boston to avenge the insult to the Catholic church. Some actually started, but Bishop Fenwick sent priests in every direction to turn them back, summoned his people to meet him in the Franklin Street church, told them that an eye for an eye and a tooth for a tooth formed no part of the religion of Jesus Christ, and bade them raise not a finger in their own defence as there were those around them who would see full justice done.

* Niles's Register, August 23, 1834, pp. 436–440.

Precautions for keeping the peace however were not remitted. Troops defended the Catholic church in Charlestown, occupied Faneuil Hall and the old arsenal, and were aided by men from a revenue cutter who came ashore each night during the first week of the excitement. The citizens formed clubs in each ward and patrolled the streets by night; the Governor offered a reward of five hundred dollars for the detection and punishment of any person concerned in the burning of the convent, and the Vigilance Committee were untiring in their work. In time twelve men were indicted and seven arraigned before the Supreme Judicial Court.

The first of them was brought to trial early in December amidst much popular excitement. The officers who made the arrests were hanged and burned in effigy; crowds surrounded the jail in which the prisoners were confined; threatening placards * were posted; anonymous letters were sent; acts of violence were done almost within the shadow of the court-house, and the militia were called out to protect the jail. The Attorney-General was denounced in one placard as "a Catholic Myrmidon" and the presiding judge was called "a Prejudiced Probate Judge." When the jury returned a verdict of not guilty the news was brought to Boston by a horseman who galloped through the streets shouting, "Acquitted! Acquitted!" Three more were acquitted, one, a mere lad, was sentenced to imprisonment for life, and two, because of the failure of the jury to agree, were given a new trial. Meantime Rebecca Reed published her book, "Six Months in a Convent," and was replied to by the Lady Superior in her "Answer to Six Months in a Convent." But the interest thus reawakened quietly went down, all the remaining prisoners were acquitted and the lad Marvin Marcy, the only one sentenced, was pardoned by the Acting Governor and Council.

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* One of them begins: "Liberty or Death! Suppressed Information. Sons of Freedom! Can you live in a free country and bear the Yoke of Priesthood veiled in the habit of a profligate court?" etc. Another reads: "All persons giving information in any shape, or testifying in court against any one concerned in the late affair at Charlestown may expect assassination according to the oath which bound the party to each other."

The sisterhood after the destruction of their building removed for a time to Roxbury; but soon went to Quebec, leaving the charred ruins of the convent standing in Charlestown and there they stood for five and thirty years.*

On the night after the burning and sacking of the convent at Charlestown a race riot broke out in Philadelphia. In that part of the city which had become the negro quarter was a place of low amusement called the Flying Horses, or as we would call it a merry-go-round. There the blacks were accustomed to gather to drink, carouse and ride the horses. One evening in August, however, a party of whites entered the resort and attempted to drive out the negroes and take possession, but were put to flight. The following night the mob again assembled, went through the black quarter smashing furniture, beating any negroes met with, and sacking or tearing down more than a score of houses. Not content with this, the mob gathered on the third night and were with difficulty dispersed by the mayor and sheriff with a posse of several hundred citizens. Thirty houses were sacked or destroyed, a negro church pulled down and another damaged, several persons killed and others wounded. A committee, appointed at a town meeting called to consider this outrage, reported the cause of the riots was a strong anti-negro feeling which pervaded a part of the community. Two reasons were assigned for this: the widespread belief that many persons preferred black to white labor, thus making it difficult for white workmen to support their families, and the action of the negroes whenever a fugitive slave case was tried.†

A mania for negro mobbing now broke forth and petty riots followed at Columbia, in Pennsylvania, at Trenton, Rochester, Southwark, Lancaster and at Bloomfield, New Jersey.

Not long after the Philadelphia outbreak several employees of the Baltimore and Ohio Railroad were murdered by gangs of laborers, and such outrage committed on the line of the

* The Charlestown Convent; its destruction by a mob on the night of August 11, 1834. Boston, 1870.

† Pennsylvanian, August 15, 16, 1834.

Baltimore and Washington Railroad that troops were sent from Baltimore and some three hundred laborers captured. At a mass meeting of the people of Ann Arundel and Prince George counties these outrages were charged to the Irish; the president and directors of the railroad were called on to discharge all Irishmen from their employ, and the people pledged to drive from the counties by force, if necessary, all men suspected of being in any way concerned in the outrages, or of being members of the secret associations existing among the laborers.

In New York while the anti-slavery people were holding a meeting the mob attended and forced an adjournment. Two nights later it went to the Bowery Theatre to punish the manager, an Englishman, for remarks insulting to Americans; entered the building and stopped the play. The home of Lewis Tappan was attacked the following night, the windows broken and the furniture thrown into the street. Naught but the timely arrival of firemen saved the building from the flames.

While the returns of the election were still coming in, the second session of the Twenty-third Congress opened at Washington and the members listened to a message of most serious importance. Congress was congratulated on the extinction of the national debt on the first of January, 1835, fault was again found with the conduct of the Bank, a law to regulate government deposits in State banks was asked for, an act to improve the navigation of the Wabash River was returned with the President's veto, and a long statement of his views on the question of internal improvements. Our foreign relations were reviewed as usual and some very grave remarks made on the repeated refusal of the French Chamber of Deputies to appropriate money to pay the money due under the treaty of 1831.

In the Senate the serious work of the session began with a debate on a bill to provide for the payment of the old French spoliation claims, a discussion opened by Webster in a speech which filled the Chamber with a crowd of eager listeners, and closed with the passage of a bill which failed in the House. There was a long report on frauds in the post-office, and a

bill to reorganize the department on which the House likewise took no final action. There was a report from Calhoun on executive patronage and a joint resolution proposing an amendment to the Constitution providing for a distribution of the surplus revenue among the States and Territories until 1843.

A select committee had been instructed to inquire into the extent of the executive patronage, the circumstances which had greatly increased it of late, the expediency and practicability of reducing it, and the best way of doing so. As to the extent of executive patronage Calhoun reported, that for the year 1833 the gross revenue exceeded thirty-six and a half million dollars,* that the total expenditure was more than twenty-two millions,† the number of officers, agents, and persons in the employ of the government more than sixty thousand,‡ and that, if to these were added the pensioners,§ there would be a grand total of one hundred thousand ‖ persons in the employ of the government or dependent on the public treasury. This army of dependents was still more increased by those who, while neither officers, agents nor employees, were, as furnishers of supplies, connected with the government and influenced by its patronage, and by the countless host of expectants seeking to displace those in office and looking to the executive for the gratification of their desires.

Among the causes which of late had greatly enlarged the patronage of the President, Calhoun mentioned the rise of government expenditure from eleven and a half millions in 1825 to near twenty-three millions in 1833, which had produced a corresponding increase in the number of officers, agents, and contractors; the vast quantity of government land suddenly thrown into the market and multiplying the number of surveyors, receivers and registers; the practice so recently introduced of removing men from office to fill their places with partisan workers; and the abuse of the act of 1820, which provided that all district attorneys, collectors, and other disbursing officers therein mentioned should be appointed for the

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* $36,667,244. † $22,713,755. ‡ 60,294.
§ 39,549. ‖ 100,079.

term of four years. The object of Congress was to secure a more faithful performance of duties, by making reappointment depend on diligence in office. For a while the practice conformed to the intent; but a great change has taken place, the object of the law has been defeated, and the patronage of the Executive much increased. The incumbent was now dependent on the President for reappointment and, spurred on by the active canvass of those who sought his place, resorted to all those acts of compliance and subserviency which conciliate power and the executive will. Finally, the removal of the deposits, by placing the banks receiving them entirely under the control of the President, had made them also creatures of executive patronage.

The simplest, the surest way to lessen this dangerous power of the President was to cut down the public income. But this unhappily could not be done. The two great sources of revenue were the customs and the public lands, neither of which could be touched. The tariff, because the Act of 1833 was a compromise between great sections of the country, was the only ground on which an adjustment of the dispute could stand. The revenue from the public lands could not be reduced because they would then become the prey of hungry and voracious speculators, and because any lessening of the price would be followed by a like fall in the value of all lands adjacent to them and owned by actual settlers. To reduce expenditures would but add to the existing surplus, and to the power of the deposit banks and make this form of patronage more eagerly sought than ever before.

Nothing remained, therefore, but to amend the Constitution, authorize the annual distribution of the surplus till 1843, and divide it into as many shares as there were Senators and Representatives with ten shares for each Territory and the District of Columbia.

The committee therefore reported a joint resolution to amend the Constitution, a bill to regulate the deposits of public money, and another to repeal such parts of the Act of 1820 as limited the terms of customs officers. Both bills passed the Senate but not the House.

As the session drew to a close another attack on the power

of the President was made in the form of a joint resolution to so amend the Constitution that a majority of the members of both houses might pass a bill over the veto of the President; but by request of Clay it was tabled.

So, too, was a motion to expunge from the journal the censure of the President. The legislature of Alabama had instructed her Senators to use their untiring efforts to have the censure expunged. Senator King presented the resolutions and Clay had moved to lay them on the table when Benton rose, reminded the Senate that he had long ago given notice that he would introduce an expunging resolution, and did so later in the session. After some opposition it was ordered to be printed, and nothing more was heard of it till Mangum of North Carolina sent to the table of the clerk resolutions of instruction from his State which he said it was not his intention to regard because the legislature had no right to compel him to become the instrument of his own degradation. Benton's resolutions were then taken up and a motion to strike out the words "ordered to be expunged from the journal of the Senate" prevailed. This brought Webster to his feet. He rejoiced that it was now settled by authority, not likely to be shaken, that the records of the Senate were sacred; that men may change, opinions may change, power may change, but thanks to the firmness of the Senate, its records do not change; that no instructions from without, no dictates from principalities or powers, nothing, nothing can induce the Senate to falsify its own records, disgrace its own proceedings, violate the rights of the members. The expunging resolution was then tabled without debate. At the evening session, however, Benton again submitted his resolution, which he wished to stand for the second week of the next session.

In the House there were debates on bills for the payment of claims for French spoliation prior to 1800; for the regulation of deposits of public money; to sell the stock of the Bank of the United States owned by the government; to reduce and graduate the price of public lands; for the establishment of the Western Territory and the security and protection of the Indian emigrants and other tribes; for the establish-

ment of a Territorial government in Wisconsin, and many more of less general importance; but little legislation on public affairs.

The issue which awakened interest abroad, excited the people at home, and brought us to the verge of war, sprang from the remarks of the President on the failure of France to perform her obligations under the treaty of 1831.

The treaty in question bound her to pay the United States twenty-five million francs as compensation to our countrymen for damages suffered under the decrees of Berlin, Milan, Rambouillet and Trianon, for vessels burnt, sunk, or destroyed by cruisers, and for ships unlawfully captured and detained or condemned for violating decrees of which the owners knew nothing at the time of sailing.

Payment was to be made in six annual instalments, the first of which fell due one year after exchange of ratifications. The exchange was made on February second, 1832, and though news of the act reached Paris while the Chambers were in session, the sitting was allowed to close without any attempt to secure an appropriation to meet the payment of the first instalment when it became due February second, 1833. Indeed, two more sessions came and went, two years passed after the exchange of ratifications, and two instalments were overdue before a bill authorizing the payment of the money was pushed to a vote and rejected.

King Charles, alarmed lest this act of the Chambers should destroy the ancient friendship of France and the United States, expressed to our Minister his deep regret for what had taken place, sent a national ship to our country with despatches to the representative of France, and bade him assure the government and people of the United States that the treaty stipulations would be fulfilled.

Such promises were not to be lightly treated, and Jackson, believing they would be made good, sent no message on the subject to Congress but awaited the meeting of the Chambers in July of 1834. But again no attempt was made to obtain an appropriation, and when our Minister asked that the Chambers, if prorogued without acting on the claims, should be reassembled in time to act before our Congress met, his

request was refused and the date chosen for the opening of the next sitting was put late in December. Indignant at such wilful and long-continued neglect of treaty obligations Jackson laid the matter before Congress in the annual message. He began by recalling the history of French Spoliation Claims since the treaty of 1800; how they had arisen between 1800 and 1817 because of unprovoked aggressions on our commerce; how the justice of the claims of our citizens to indemnity had never been denied; how nearly a quarter of a century had been wasted in fruitless efforts to secure payment; how, on taking office, he had felt it a duty to once more seek a settlement; how a treaty was at last concluded; how France bound herself to pay twenty-five million francs, and how both nations agreed to give, each to the other, certain commercial benefits. Our commercial obligations had been performed and the duties on French wines reduced as promised. But no steps had been taken by the French government to reduce the duty on our long-staple cotton, as stipulated in the treaty, and not a franc had been paid although two instalments of the indemnity were long overdue.

The idea of acquiescing in this refusal to execute the treaty Jackson said he was confident would not be entertained by any branch of the government. Our institutions were essentially pacific. Peace and commerce with all nations were desired by the government and the people. But they were not to be secured by surrendering the rights of citizens or suffering solemn treaties to be set aside. It was his conviction that we should insist on a prompt execution of the treaty and in case of refusal take redress into our own hands. Should no appropriation be made at the next session of the Chambers, he hoped that a law would be passed by Congress authorizing reprisals on French property. This was strictly in accordance with the law of nations, and had lately been used by France herself against Portugal.

So important was this part of the message that the express riders who carried it were bidden to spare neither man nor beast, and covered the distance from Washington to New York, two hundred and twenty-five miles, in thirteen hours and forty minutes.

By the commercial world the words of the President were read with alarm. At Boston the presidents of the marine insurance companies met and agreed to insert in their policies clauses exempting them from all risks growing out of any rupture with France.

In the Senate the President's words were referred to the Committee on Foreign Relations which reported that it was inexpedient at present to give the President authority to make reprisals on French property, in the contingency of provision not being made during the present session of the French Chambers, to pay the indemnity due to the United States. But such objection was made to the phraseology that it was changed so as to read, "that it is inexpedient, at present, to adopt any legislative measure in regard to the state of affairs between the United States and France," and was then passed unanimously.

In the House the question was not disposed of without a struggle; for, when the words of the President were about to be referred to the Committee on Foreign Relations, an attempt was made to instruct it to report that it was expedient to await the further action of the French Chambers. After a short debate the motion was withdrawn and the committee in the closing days of the session reported three resolutions: that it would be incompatible with the rights and honor of the United States to negotiate further in relation to the treaty of 1831 and that the House would insist on its execution; that the Committee should be discharged from further consideration of the subject; and that contingent preparation ought to be made to meet any emergency growing out of our relations with France. These were referred to the committee of the Whole which adopted the second and third and changed the first to read "that in the opinion of this House the treaty of July 4, 1831, should be maintained and its execution insisted upon." The vote on each was unanimous.

Meantime the President's message had reached France and thrown that country into a state of violent excitement. The French Minister at Washington was instantly recalled; Mr. Livingston, our Minister at Paris, was notified that his passport was ready for him, and the message denounced as arrogant

and blustering. One journal considered the position taken by Jackson so ridiculous that it was not possible to regard it seriously.* Said another, we all agree that the dignity of France has been wounded by the President's message; but he is deceived if he supposes that menaces will lead the Chambers to make an appropriation they have once refused. They will not, in the face of the country, yield to fear.† A proclamation of unexpected violence, said another,‡ has reached us from across the Atlantic. It is the Chief of a pretended liberal republic that addresses France, liberal and just. But France need not be uneasy about bravados which certain private interests have no doubt dictated. It would not be difficult to point out the quarter of Paris whence issued the advice followed by the writers of the message. Notwithstanding some declamatory precautions against the language being construed into an intention to intimidate France it is too clear that in this affair General Jackson has shown himself an arrogant logician and a self-willed patriot.

Still other journals were at great pains to explain the constitutional view. No treaty, it was said, implying a vote of subsidies is obligatory on the country until it has obtained the assent of the Chambers. The fact is that the intent of the Chambers was not to deny all right of claim by the United States, but to seek a new negotiation.§ The President imputes to the will of Ministers alone the non-execution of the ratified treaty, without remembering that the Constitution grants to the Chambers a veto on all pecuniary stipulations of the government whether the result of treaty or private agreements. His ill-humor has led him to find signs of evil intentions in certain circumstances attending the conduct of France which were quite insignificant. His threats, however, will produce no effect.‖

The ministerial journal held very different language. Of all wars, it said, the most foolish, the most *gauche*, the most impolitic, that which would excite the loudest laughter at St. Petersburg, Berlin and The Hague, which would most affect

* Quotidienne.
† Constitutionnel.
‡ Le Temps.
§ Journal du Commerce.
‖ Courier Français.

the friends of liberty in Europe, would be a war between France and the United States. What shouts of joy would go up from the men who labored to revive the party of the Holy Alliance when they saw France using the power she had acquired since the revolution of July, in a struggle with the republic of the United States; with what delight would they behold these two old friends who, in the old world and the new, represent the cause of liberty, stupidly warring against each other.

In Great Britain opinion was likewise divided. The Liverpool Standard, a Tory sheet, was greatly pleased at the prospect of war and indulged in speculation as to what would happen when the French navy swept to sea. No American vessel, the editor said, would then enter Liverpool. The packets with their gaudy woods, their vulgar adornments, their ostentatious brass, paint, polish, rocking-chairs, glass rails and cheap books vilely lettered with gold, would be stopped, shut up and left to rot in the harbors of New York, Boston and Philadelphia. Liverpool would then be able to organize a substantial, equally attractive, and more durable line of packets. Boston, New York, Philadelphia, New Orleans would be blockaded, and once in possession of New Orleans the French would take care to keep it. Other journals were not so sure that France would win.

Livingston having received notice that the French Minister would be recalled, that his passport awaited him, and that the remarks of the President forced the King to deliberate on the course he should pursue, expressed surprise that a message addressed to Congress and not to France should be the subject of complaint, and declared that unless the note of Count de Rigny was an ultimatum to quit France, he would await instructions from his government.

When news of the excitement in France reached Washington and the French Minister gave notice of his recall, Livingston was instructed that unless a bill providing for the payment of the indemnity was presented to the Chambers, or if presented was rejected, a frigate would be sent to Havre to bring him and the legation back to the United States.

Ere these instructions reached Paris a bill was introduced

in the Chamber of Deputies to pay the three instalments now due, but was so amended that payment was to be conditional on an expression of regret by the United States. Against this Livingston protested, denied the right of any government to dictate what the President should say to Congress, asked for his passport and in June was back in Washington.

Mr. Barton, *chargé d'affaires*, was now instructed to follow Livingston to the United States if the bill was rejected; but to await orders if passed conditionally. It did pass conditionally and Mr. Barton was then instructed to call on the Duc de Broglie, inquire as to the intention of the French government, and if a day for the payment of the money was not named, ask for his passport and quit the country. He was told that when the United States should declare, in writing, that it regretted the misunderstanding; that its attitude was founded on a mistake; that it never intended to call in question the good faith of the French government, nor menace France, the money would be paid, and having received this assurance, Mr. Barton asked for his passport and came home. The *chargé d'affaires* of France was then recalled and in the autumn of 1835 all diplomatic intercourse was suspended.

As we owe, said a Paris journal, so we pay; but as the payment has been demanded in language wanting in dignity we insist that before payment the national honor shall be satisfied. This is just and noble; it is a proceeding as much above threats as above all thought of taking advantage of an insult to free ourselves from debt.

With Great Britain, by this time, a serious issue had arisen over her position on the status of slaves carried into her West Indian ports. As far back as December, 1830, a schooner named Comet set sail from Alexandria in the District of Columbia for New Orleans with one hundred and sixty-four slaves owned by men migrating to the southwest. Driven by wind and wave from her course the Comet, when a few days out, went upon a reef near the island of Abaco in the Bahamas. Wreckers came to her aid and landed passengers, crew and slaves first on Spanish Key, then on Green Turtle Key and finally, against the remonstrances of the captain carried all hands to Nassau in the island of New Providence, where the

negroes were libelled as forfeit under the British act prohibiting the slave trade. The courts dismissed the libel, but the Governor, guided by a decision of two distinguished jurists made in 1818, in a case of fugitive and shipwrecked slaves brought within the jurisdiction of Great Britain, set the negroes free. The case was that of a Portuguese slave-trader wrecked on the coast of a British settlement near the Cape of Good Hope, and in passing on it the court decided that Africans cast by shipwreck on the shores of a British colony "are not to be considered as slaves illegally imported but as free persons" and that "the government of the colony has no power to deliver up these Africans without their consent."

Against this seizure the Secretary of State protested, and our minister again and again addressed the British authorities demanding damages. But 1832, and 1833 and 1834 passed with no further notice of the demand than a statement from Lord Palmerston that the case was referred to the Crown's lawyers.

Meantime, in February, 1834, the schooner Encomium sailed from Charleston for New Orleans with passengers and forty-five slaves, and when two days out was wrecked on the Fish Keys near Abaco not far from the spot where four years before the Comet met her fate. Again the passengers and slaves were rescued by wreckers, again they were taken into Nassau and the slaves set free.*

While this case was pending Parliament passed the West Indian Emancipation Act of 1834, and a few months later the Enterprise while on her way from Alexandria to Charleston was driven by storms and scarcity of food to seek shelter in the port of Hamilton in the Bermudas. On board were seventy-eight slaves and their owners. As soon as their presence was known the Friendly Society of people of color sued out a writ of *habeas corpus* commanding the slaves to be brought before the chief justice and answer for themselves

* This called forth resolutions from the legislature of North Carolina to the effect that the detention of the slaves was a breach of hospitality, and an infraction of the laws of nations; that North Carolina knew no distinction between property in persons and property in things, and doubted not that the general government would take such measures as might be wise and expedient.

whether they would go on with the ship to her destination and remain slaves, or stay in Bermuda and be free. Late in the evening, in the presence of a large crowd, they were accordingly landed and taken into court, where each in turn was required by the justice to make choice of freedom or slavery. All, save a woman with five children, chose to remain and, after an admonition by the court, were set free and promptly given places as domestic servants, or taken in charge by the Friendly Society.

The excitement aroused by this new case led to the presentation of all to the British government by Stevenson, who had lately become Minister at London, but again no serious attention was given them.*

At home Ohio and Michigan had almost come to blows over their boundary line and the Toledo war was raging.† The Ordinance of 1787 for the government of the territory of the United States northwest of the river Ohio provided that out of that vast tract of country not less than three nor more than five States should be made, and that if more were formed, the line parting the northern and southern tiers should be drawn due east and west through the southern extremity of Lake Michigan. The first State to be carved from the territory was Ohio, and in the enabling Act of 1802 Congress, following the language of the ordinance, prescribed that a line should be drawn due north from the mouth of the Great Miami; that another should be traced from the southerly extremity of Lake Michigan to Lake Erie, and that so much of it as lay east of its intersection with the due north line should form part of the northern boundary of Ohio.

While the convention authorized by this act was framing a constitution, a hunter who knew the country well informed the delegates that the maps were defective, that their ideas of the relative position of the two lakes were wrong, and that the southern end of Lake Michigan was in fact much farther south than they suspected. The convention therefore embodied

* Senate Documents, 24th Congress, 2d Session, Vol. II, No. 74.

† A full account of this struggle is given in the Southern and Western Boundaries of Michigan. Annah M. Soule, Michigan Political Science Association, Vol. II, No. 2.

in the constitution of Ohio a provision that, if the southerly bend of Lake Michigan was so far south that a line drawn due east from it should not touch Lake Erie, or should intersect it east of the mouth of the Miami of the Lake, then, Congress willing, the boundary in question should be part of a line drawn directly from the southerly extremity of Lake Michigan to the most northerly cape of Miami Bay.

Congress neither approved nor rejected the proviso, and so, in spite of the efforts of Ohio congressmen, the matter stood in 1805 when Michigan was laid off with the line of the Ordinance of 1787 as the southern boundary of the new Territory. To this Ohio seriously objected and in 1807, 1809 and 1811 her legislature bade the delegation in Congress seek to obtain a law approving the boundary of the proviso. In response to these appeals a law was enacted in 1812 providing for a survey of the ordinance line; but war with Great Britain soon followed, and five years passed with nothing done. Monroe then ordered the survey to be made; the Surveyor-General of Ohio assigned the work to William Harris, who traced and marked, not the line of the ordinance, but that of the proviso of the Ohio constitution, a boundary thenceforth known as the Harris line.*

And now the controversy between the State and the Territory opened in earnest. The legislature of Ohio resolved that Congress, in approving the constitution of Ohio, accepted the proviso, and the Harris line was the true boundary. The Governor and judges of Michigan addressed a memorial to Congress setting forth that the Harris line was not that ordered to be surveyed by the Act of 1812, but another from five to seven miles farther north; and the President, under advice of a committee of the House, directed that the line of the Act of 1812 be surveyed and marked on the ground. Harris declined to do the work; but a Mr. Fulton ran the line, which thereafter was designated by his name.†

Between the two lines thus established, the Harris on the north, and the Fulton on the south, lay a strip of territory

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* Senate Documents, No. 6, 24th Congress, 1st Session, Vol. I.

† Senate Documents, No. 6, 24th Congress, 1st Session, Vol. I.

some five miles wide at its western end and some eight at its eastern, and stretching across the State from its western boundary to Lake Erie. Small as it was it had value because of the fertility of the land, and the harbor at the mouth of the Maumee River, on which stood a growing settlement called at various times Swan Creek, Port Lawrence, Vistula and Toledo. To the rulers of Ohio and Michigan the lands and the harbor were of far less importance than the great principle which underlay the dispute, and after a lull of five years the complaints of each side were heard again in Congress. In 1826 the Ohio delegation obtained the appointment of a committee to consider the expedience of marking the line parting Ohio and Michigan.* Nothing was done; but the Council of Michigan bade the delegate in Congress do his best to prevent the adoption of the Harris line, and in 1827 organized the Township of Port Lawrence in the disputed territory. The Twentieth Congress having failed to pass a bill to provide for determining the true latitude of the southerly extreme of Lake Michigan, the Governor of the Territory was authorized to offer Ohio so much of the territory in dispute as lay east of the Maumee River for a tract of equal area west of the river. When this failed both parties petitioned Congress, which enacted a law for the determination of the latitude of the southerly end of Lake Michigan as the first step toward the settlement of the boundary.

The tide of emigration meantime had set strongly toward Michigan, had raised its population from less than nine thousand in 1820 to more than thirty-one thousand in 1830, and had aroused among the people a strong desire for statehood. Territorial government was in their opinion colonial dependence, suitable enough for a region sparsely settled, but ill fitted to a well-populated country.

In December, 1833, accordingly, Michigan formally applied for admission into the Union,† and some months later a bill to authorize the people of Arkansas and Michigan to form for each Territory a constitution and State government

* Journal of the House of Representatives, 19th Congress, 1st Session, p. 305.

† Journal of the House of Representatives, 23d Congress, 1st Session, p. 43.

was laid on the table by the Senate. Congress, however, went so far as to order a census of the inhabitants of Michigan east of the Mississippi and when this was taken in the autumn of 1834 it was found, such had been the rush of settlers since 1830, that more than ninety-two thousand six hundred people dwelt in the territory.

That they should be longer deprived of State government seemed unreasonable, and in January, 1835, the Council called a convention to meet in May and form a constitution and State government, and authorized the governor to appoint a committee to negotiate with Indiana and Ohio as to the disputed boundary line. To this Indiana gave no heed; but early in February the Governor of Ohio in a message to the legislature denied that there was a dispute to be settled, declared that if there were, a Territorial government could not settle it, and asked for a law making the Harris line the north boundary of all the counties touching it, and sent a copy of the message to the Governor of Michigan. No sooner was it received than the Territorial Council enacted a law to prevent "the organization of foreign jurisdiction within the limits" of Michigan, forbade any person to attempt to exercise official functions, or officiate in any office within any of the counties as organized, or any resident of the territory to accept any office from any State or authority other than the government of the United States or the Territory of Michigan under penalty of fine or imprisonment. Eleven days later Ohio, now most anxious to secure Toledo as the terminus of her canal from Cincinnati to the Maumee River, attached the disputed territory to her counties of Wood, Harris and Williams, organized in it the townships of Sylvania and Port Lawrence, and bade the Governor to appoint three men to run and mark the Harris line as speedily as possible. Commissioners were at once appointed; elections of justices of the peace for the new townships were ordered; all officers of the counties of Wood, Henry and Williams, civil, military and judicial were bidden to extend their jurisdiction to the Harris line; and April first was fixed as the day whereon the commissioners should meet at Perrysburg to begin the work of surveying. Ere that day came both parties were in arms.

Acting Governor Mason of Michigan instructed his general of militia to repel the encroachment of Ohio and appealed to Jackson. The Secretary of State wrote to both Governors and toward the end of March sent two commissioners to make peace. On reaching Toledo they found some six hundred Michigan militia were camped near Monroe and that another force under General Bell of Ohio was in arms at Perrysburg, a little town just south of the Fulton line. The Acting Governor was informed that Jackson wished the matter referred to Congress at its next session. With the Governor of Ohio an agreement was made that the Harris line should be run and remarked and that the people living in the disputed district should recognize the authority of Michigan or Ohio as they saw fit till the end of the next session of Congress.*

In the new townships meantime elections were held under the law of Ohio, township officers, school examiners, deputy sheriffs, justices of the peace, notaries public were elected or commissioned, and the organization of the three counties completed to the Harris line.

The election passed off quietly; but trouble followed at once. One dark night two men charged with interfering with a Michigan officer were seized and carried off. Later still a flag bearing the word Ohio was torn down at Toledo; an armed force was sent from Monroe to Toledo to arrest a dozen men who had accepted office under Ohio; and an attempt made to arrest the commissioners and their party engaged in running the Harris line. The commissioners escaped; but nine of the party were taken, a capture which so angered the Governor of Ohio that he assembled the legislature as quickly as possible and laid the matter before it. Acts were passed to carry into effect all laws regarding the boundary; to prevent the forcible abduction of citizens of Ohio, and to accept the propositions made by Jackson's commissioners. Money was voted to meet the cost of maintaining the authority of Ohio; a new county was organized in the disputed district, and a Court of Common Pleas was ordered to be held at Toledo in September.

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* Senate Documents, Vol. I, No. 6, 24th Congress, 1st Session.

That the action of Ohio might not be misunderstood Governor Lucas now despatched three gentlemen to Washington to explain matters to Jackson. On reaching the Capitol they informed Secretary Forsyth that they came as private citizens, that their purpose was to bring about a full understanding of the situation and prevent the unpleasant consequences which might otherwise follow; that Ohio desired to carry out the agreement made in April with the agents of the President, and insisted that prosecution under the Michigan act of February should cease, that Michigan should not hinder the running and remarking of the Harris line, and that both parties should exercise concurrent jurisdiction until Congress should finally settle the question in dispute.

Forsyth replied that the President would at once urge the Michigan authorities not to oppose the remarking of the Harris line, to cease prosecutions under the law of February, and to make no arrests for future violations of the act until after the next session of Congress. But the authorities of Michigan gave no heed to the wishes of the President and as more arrests were made Jackson removed the Acting Governor and appointed Charles Shaler of Pennsylvania.

As the day was now near when the Court of Common Pleas must be held at Toledo, Governor Lucas made ready to obey the law. He retained a lawyer to act as prosecuting attorney, commanded Colonel Vanfleet to call out his regiment to serve as a posse for the sheriff, and sent the Adjutant-General and the Major-General of Militia to Toledo. On the afternoon of the first Sunday in September judges, sheriff and attendants met at Miami in order to proceed the next morning to Toledo and hold court. As evening came on scouts reported a large force of Michigan militia at Toledo, whereupon the judges, at a loss what to do, appealed to Colonel Vanfleet. He told them if they were women to go home, if men to do their duty and he would do his, and called for twenty volunteers to go to Toledo. Encouraged by the resolute stand of the colonel the judges decided to go on, and at one o'clock Monday morning escorted by the twenty volunteers they proceeded to Toledo, entered a little school-house, opened court in due form, made a minute of the proceedings and hearing that the Michi-

gan troops were at hand, mounted their horses and rode away.* The law had been executed, a court had been held, jurisdiction had been exercised over the disputed district, Ohio had triumphed and with this the famous Toledo War ended. The Harris line was remarked, civil processes were dropped, Ohio exercised no further authority over the district and for the time being Michigan remained in peaceable possession.

In the far west the Mormons and the people of Missouri had come to blows. The petty persecution of 1832, the burning of haystacks and shooting into houses having failed to drive out the Mormons, the men of Jackson County met at Independence in July of 1833, charged the Mormons with meddling with their slaves, denounced them as thieves, fanatics, and blasphemers, accused them of inviting free negroes and mulattoes to become Mormons and agreed if, after timely warning and an offer of compensation for land and houses, the Mormons did not quit the country, force should be used to expel them.

At a later meeting a demand was made on the Mormons to agree to move and a committee sent to present it; but when the leaders of the sect refused to comply the office of the Evening and Morning Star, the Mormon newspaper, was pulled to the ground, and two of the elders tarred and feathered. An agreement was now drawn up and signed by both parties. Certain leading Mormons were to leave the country before the end of the year and use their influence to persuade their followers to go before the first of April, 1834; no more violence was to be used and the damage done in sacking the printing office was to be made good.

When Smith at Kirtland heard of these things, he commanded the faithful to go on with the building of Zion and sent two agents with a petition to the Governor of Missouri. Governor Dunklin replied that no men had a right to take into their own hands the redress of grievances real or fancied and advised the Mormons to appeal to the courts.

Encouraged by this advice the Mormons prepared to re-

* The Facts and Historical Events of the Toledo War of 1835. W. V. Way, Perrysburg, 1869, pp. 42–45.

main, put up some new houses and engaged counsel. This enraged the people of Jackson County and during October and November the Mormon settlement at Big Blue was attacked, men were flogged, women and children driven into hiding, the church store at Independence sacked and shots exchanged at several places. Convinced at last that they must remove, the Mormons agreed to put the Missouri River between them and their persecutors and having burned their houses and sold their cattle, gathered to the number of fifteen hundred on the bank of the river and after great suffering found a refuge in Clay County.

News of these proceedings brought from Smith a revelation that "the redemption of Zion must needs come by power," and the gathering at Kirtland of a body of men known in the history of the church as "The Army of Zion." This army, in number some two hundred men armed with old muskets, butcher knives, rusty swords, pistols and rifles, set out from Kirtland on the fifth of May with twenty wagons loaded with food and clothing for the Missouri sufferers, and made its way in an orderly manner to the Mississippi. When near Liberty in Clay County, Missouri, General Atchison and a deputation from the Missourians met Smith and warned him not to enter the town. The advice was taken and the army disbanded. Some returned to Ohio, but the great body remained with the struggling community to which the presence of the Prophet gave new hope.

In the far southwest the Texans were fighting for independence and over all our country the friends of slavery were lending them aid.

The election of Gerrero to the presidency of Mexico was quickly followed by another revolution, by the expulsion of the new President, and the rise to power of the Vice-President, Bustamente. He was leader of the centralists or anti-liberal party, and as such entered at once on a course of arbitrary government both in Mexico and Texas. He forbade the further introduction of slaves into Texas, established custom houses at San Antonio, Velasco and Brazonia, put garrisons at Nacogdoches, Bexar, Goliad, Anahuac, Galveston, Velasco, Fort Teran and Victoria and sent thither soldiers whom the

Texans declared were mostly criminals and convicts and so made their country a penal colony.

The civil authorities in Texas were the Governor and legislature of the State of Coahuila and Texas; the Political Chiefs of the three departments of Bexar, the Brazos and Nacogdoches; the Cabildo or municipal council of each department held at its capitol and presided over by the Political Chief, the Alcaldes and Ayuntamiento of the various towns. With the coming of the soldiers, however, came military government, arbitrary rule and the overthrow of the civil authorities.

Thus the commandant, General Teran, seized and imprisoned a commissioner sent by the State of Coahuila and Texas to put certain emigrants in possession of land, suppressed by military order the Ayuntamiento of Liberty, and without legal authority established another at Anahuac, took possession of such land as he pleased and appropriated it to his own use. When the State government bade the Alcalde of Liberty convene the people to elect an Alcalde and members of the Ayuntamiento in defiance of the act of Teran, Colonel Bradburn, who commanded at Anahuac, threatened to use force, and no election was held. This same Bradburn established what was practically martial law, set slaves free, closed all the ports save Anahuac, and hearing that the neighbors of a man assaulted by some soldiers were about to avenge him, sent a file of troops and arrested and imprisoned seven of the citizens. The colonists flew to arms, appeared before the garrison at Anahuac and demanded the release of the prisoners, and when refused, laid siege to the place. Leaving his men so engaged John Austin went off to Velasco in the department of the Brazos in search of a cannon. The men in the neighborhood would gladly have gone to the aid of their friends at Anahuac, but the commandant at Velasco warned them not to attempt to take the gun past his post. Whereupon he was attacked and, after a stout resistance, forced to surrender. Austin then set out with the cannon for Anahuac, and on arriving there found that the Texans had triumphed, that the prisoners had been released and that Bradburn had fled to New Orleans.

While these events were occurring in Texas, Santa Anna at Vera Cruz had started a revolt against the arbitrary rule of Bustamente and had declared for the Constitution of 1824. Supposing the Texans were bent on separation from Mexico, Santa Anna despatched a fleet, and a force under Colonel Mexia, to put them down. But such explanations and assurances of adhesion to Santa Anna came from John Austin and a convention of delegates from the Ayuntamientos at San Felipe, that Mexia withdrew, taking with him the troops at Velasco, and such others as would join the Liberating Army in Mexico. The citizens of Nacogdoches next rose and captured the garrison; the Mexican soldiers at San Antonio joined the revolutionary army, others withdrew into the interior and by midsummer, 1832, Texas was free from military rule.

The need of separation from Coahuila and the establishment of statehood and local government now became imperative; a convention to discuss the question assembled at San Felipe in October, 1832, and by a second, held at the same place in April, 1833, a constitution for the State of Texas was framed and adopted, a petition asking the admission of Texas into the Mexican Union was approved, and Stephen Austin and two others nominated to carry it to Mexico.

Austin alone went, reached Mexico soon after Santa Anna was inaugurated President, presented the petition and waited patiently for the result. When months passed and nothing was done save refer it to a committee of Congress, he wrote to the municipality of Bexar urging all municipalities in Texas to come to a common understanding and organize a State, independent of Coahuila, without waiting for permission from Mexico, and even if the supreme government should refuse consent. The municipality of Bexar, however, disapproved of these sentiments, sent the letter to Vice-President Farias by whose order Austin, while on his way home, was seized at Saltillo, taken back to Mexico and cast into the prison of the Inquisition early in 1834.

So far in his career Santa Anna had posed as the defender of the constitution and the stanch friend of Republicanism. But now he threw off the mask, deserted the Republicans, joined forces with the Centralists, dissolved the Congress by

a military order, dismissed the Council of Government, convened a revolutionary congress in a manner unknown to the constitution, and for some months ruled as dictator. The petition of the Texans for State government was rejected, and four thousand troops were ordered to Texas under pretence of defending the coast and frontier. The new Congress reduced the militia of the republic to one man for every five hundred inhabitants, and when the legislature of Coahuila and Texas protested it was dissolved, the Governor deposed and a military ruler put in his place.

Alarmed at these signs of centralization the people of Texas began to act, formed committees of safety and correspondence in every municipality and precinct, and issued a call for a convention of delegates to meet at San Felipe in October. Ere the day for the meeting came West Texas was in arms, a battle had been fought and the war for independence had opened in earnest.

When the new legislature of Coahuila and Texas met in March, 1835, the members, aware that Texas must soon become a separate State, proceeded to benefit the treasury of Coahuila by selling to speculators four hundred and eleven leagues of land in Texas. Santa Anna, who was quelling an insurrection in the near-by State of Zacatecas, hearing of the sale ordered General Cos to march to Monclova and disperse the legislature. Cos at once issued an address, charged the legislature with illegally selling the public domain, with refusing quarters to Mexican troops, with aiding and protecting the banished Vice-President, and threatening vengeance on the revolutionists began his march from Monterey.

The legislature promptly bade the Governor remove the archives to Texas and adjourned; the Congress of Mexico deposed the State authorities, annulled all its decrees of 1835, and when Cos reached Monclova such members of the legislature as had remained were imprisoned and then banished. The war party in West Texas now rushed to arms, raised their standard on the plains of San Jacinto, marched to Anahuac and attacked the collector of customs. Cos thereupon sent Captain Thompson with a sloop of war to Galveston to investigate the affair at Anahuac; but Thompson exceeded his

orders and seized an American ship. The people in retaliation fitted out a merchant ship with cannon, captured a Mexican vessel of war and sent it to New Orleans as a pirate which had interrupted the trade between Mexico and the United States.

In this condition of affairs Austin, who had lately been set free, arrived at Brazoria, was given a public dinner by the citizens, made a speech, told his hearers that the aim of Santa Anna was to destroy the Constitution of 1824, turn the States into provinces and set up a centralized government, and urged the assembling of the proposed convention. Reports now came in rapid succession that troops had been ordered to Saltillo, and Tamaulipas, that all the infantry at Campeachy had been sent by water to Texas, that arms and ammunition were being stored at Matamoras, Goliad and Bexar; that Colonel Ugartechea was to march into the colonies from Bexar and seize certain citizens hateful to Santa Anna, and that Cos had commanded the citizens of Brazoria, Columbia and Velasco to give up their arms, and was expected at Bexar with a large body of troops.

Believing that the time for action had now come, the Committee of Safety for the jurisdiction of Austin urged the people of every district to send delegates to the General Convention, to organize and drill their militia, and form companies of volunteers. War was inevitable. The people must defend their rights, their country and themselves by force of arms. To do this they must unite, and to unite, delegates of the people must meet and confer.

Meantime, Colonel Ugartechea proceeded to carry out his orders to disarm the people, and demanded from the municipality of Gonzales a cannon given it some years before for defence against the Indians. The Alcalde refused, and Ugartechea sent troops to seize it; but the people prevented them crossing the Guadalupe by removing the ferry boat, and when a force of Texan volunteers came to their aid crossed the river and put the Mexicans to flight.

A campaign against the frontier posts held by the Mexicans now followed. One band of some fifty volunteers drove off Mexicans who were committing depredations at Victoria,

captured Goliad, and secured some arms and money. Another, from Goliad took the post of Lipantitlan on the Nueces. A third under Colonel Bowie and Captain Fannin defeated a force of Mexicans near Mission Concepcion. A fourth laid siege to Bexar held by General Cos with some thirteen hundred men, and after a delay of nearly two months fought its way into the town and forced Cos to surrender. He was allowed to leave Texas with most of his army, and with his departure the country north of the Rio Grande was cleared of Mexican troops.

When the convention met in October, so many delegates were with the volunteers in the field, there was no quorum and a recess was ordered till November first. The question debated was, Shall there be a declaration in favor of the Constitution of 1824, or a declaration of independence? Fifteen voted for independence and thirty-three for the Constitution. Thus instructed, the committee reported and the convention adopted a declaration setting forth that Texans had taken up arms in defence of Republican principles and the Constitution of 1824; that they were no longer morally bound by the compact of union, but would help such Mexican States as would resist military despotism; that they claimed independence as a right, but would yield allegiance to Mexico while governed by the Constitution, and that all who came to their aid in this struggle would be received as citizens and rewarded with grants of land. A provisional government was next organized, Henry Smith elected Governor, James W. Robinson Lieutenant-Governor, Samuel Houston Major-General of the Texan armies, and Stephen F. Austin, Branch T. Archer and William H. Wharton made Commissioners to the United States. The Convention then adjourned to March first, 1836, subject to the call of the Governor and Council.

While the new government thus established about the middle of November was busy framing the ordinances and decrees necessary to start it on its career, the whole course of events was changed by the publication of a decree of the General Congress at Mexico. This body had assembled in July, and claiming that it had power to change the Constitution of 1824, had decreed that a centralized form of government should be

adopted, had created a Supreme Chief elected for eight years and re-eligible for life; a Senate of six generals and six bishops appointed by the Chief, a Chamber of Representatives elected by persons having a certain amount of property, and reduced the states to departments to be governed by a military commandant and a bishop. In obedience to the will of the Congress, Acting President Barrogan issued a decree which abolished all State legislatures, made the Governors dependent on the will of the supreme government, and created Department Councils of five to serve as councils to the Governors.

Nothing now remained for Texas but submission or independence. The people must abandon their government or fight. They chose to fight, and on December tenth the provisional government passed a decree calling a convention to meet March first, 1836.

The convention assembled at the town of Washington on the Brazos and at once appointed a committee to draft a declaration of independence. The declaration when presented the next day charged that the government of Mexico had sacrificed the welfare of the State of Coahuila, imprisoned Austin, refused to establish trial by jury, failed to provide a system of public education, suffered military commandants to commit acts of oppression and tyranny, dissolved by force of arms the State congress of Coahuila and Texas, and had demanded the surrender of citizens in defiance of the laws, had made piratical attacks on commerce, had denied citizens of Texas freedom of worship, had demanded a surrender of their arms, had invaded their country, and through emissaries had incited the merciless savage to massacre the inhabitants of the defenceless frontier. Because of these things, all political connection with Mexico was declared forever ended, and Texas a free, sovereign, and independent republic.

A constitution resembling in many respects that of our country was then framed and adopted. Until a president, vice-president and congress were elected by the people, there was to be a provisional government consisting of a president, vice-president, attorney-general, and secretaries of state, treasury, war and navy, invested with power to borrow

money, make treaties, defend the country and appoint commissioners to foreign powers. David G. Burnet was chosen president.

After a session of seventeen days the convention adjourned. In many respects these days were the darkest in the early history of the Republic of Texas. In December, 1835, when the destruction of the State legislatures left the Texans no other alternatives than submission or independence, the provisional government of that time decided to take the offensive, attack the enemy at Matamoros and thus begin, across the Rio Grande, the war which was now inevitable. Early in January, 1836, accordingly, a volunteer force marched from Bexar to Goliad where two bands under Johnson and Grant set off toward Matamoros. Both fell in with the troops of Santa Anna, that under Johnson at San Patricio where all save two men were killed, and that led by Grant at Aqua Dulce where not a man escaped.

The fate of these men, the quarrels of the leaders, a bitter dispute between the Governor and the Council put an end to the proposed expedition against Matamoros; the opportunity to invade Mexico was lost, and the Mexicans, taking the offensive, crossed the Rio Grande in force and carried the war into Texas. One division under Generals Cos, Sesma and Filisolar marched against Bexar; another commanded by Generals Urrea and Garay went toward Goliad, while the third, led by Santa Anna, was to join the attack on Bexar or Goliad as circumstances required. Santa Anna chose to go with Cos and Sesma against Bexar, and late in February appeared before San Antonio, took the town and drove the little band of defenders under Travis into the Alamo, besieged it for nearly two weeks and then carried it by storm. As the Mexicans swarmed through the breaches and over the walls a desperate hand-to-hand fight followed till all but half a dozen Texans were killed. These, by order of Santa Anna, were promptly shot and not a man of the garrison was left alive. Three women, two children and a negro boy were all that were spared. Among the dead was David Crockett, the most famous frontiersman of his day, and James Bowie, the inventor of one of the most deadly of frontier weapons.

The bodies of the slaughtered were stripped, thrown into a pile and burned.

The Alamo having fallen Colonel Fannin was ordered to abandon Goliad and retreat to Victoria. He had, unhappily, despatched a small force under Captain King to bring away some families from the Mission of Refugio and waited for its return. When King drew near to Refugio the enemy appeared in force and drove him back, but losing his way in the night, he was surrounded on the open prairie, forced to surrender and shot with all his men by order of Urrea. Fannin, hearing nothing from King, sent out a second detachment under Colonel Wood who, in turn, was overpowered by numbers and made prisoner. Urrea, flushed with success, now pushed on toward Goliad, and though his cavalry was seen near the town on the seventeenth of March, the morning of the eighteenth came before Fannin began his retreat, only to be overtaken by Urrea some nine miles from Goliad, and after a stout fight forced to surrender. The prisoners were then marched back to Goliad. With Wood's men they numbered about four hundred, and on Palm Sunday, 1836, were, by order of Santa Anna, marched out of the fort and shot.

At the time of the massacre at the Alamo, Houston with less than four hundred men was on the bank of the Guadalupe at Gonzales, then on the western frontier of American settlement. On receipt of the news a retreat eastward was ordered and continued for nearly six weeks before it ended on the San Jacinto near the eastern edge of settlement. The Mexicans under Sesma gave chase. When the Colorado was reached Santa Anna took command, led his army to San Felipe on the Brazos, went thence to Harrisburg, burned it and pushed on to New Washington near the head of Galveston Bay. There he hoped to capture Governor Burnet, and having failed to do so returned to the San Jacinto River where, on April twentieth, he came upon the Texans on the right bank of Buffalo Bayou. On the morning of the twenty-first Cos arrived with reenforcements; but such was the impatience of the Texans to attack that late in the afternoon Houston gave the order and led the van. On they came till within two hundred yards from the enemy, where they formed in line of

battle. A volley of grape and musketry was poured upon them; but unchecked they rushed on and at seventy yards delivered a volley which literally mowed down the enemy. Charge! was now the command, and with shouts of "Remember the Alamo, remember Goliad and Tampico," they fell upon the enemy, stormed the breastworks and put him to flight. Six hundred and thirty Mexicans were killed, two hundred and eight were wounded and near nightfall seven hundred and thirty under Almonte surrendered. Not fifty of the army, it is believed, escaped.

Santa Anna fled from the field but was captured the following day. By his butcheries at the Alamo and Goliad Santa Anna had forfeited his life a hundred times and many cried out for his execution as a murderer. But political considerations demanded that he be spared and negotiations were begun with him as President of Mexico. He was required to order Urrea, who had taken Brazoria, to retreat to Victoria, and Filisola, then on the Brazos, to fall back to Bexar, and May fourteenth signed two treaties at Velasco, agreed to cease hostilities, send the Mexican armies out of Texas, and use his influence to secure a recognition of the independence of Texas with the Rio Grande for a boundary. Filisola, who succeeded Santa Anna in command, ratified the treaty and before the end of May the last Mexican army left Texas. When the Mexican government heard of this agreement, Congress resolved that no act of Santa Anna while a prisoner should be binding on Mexico, called on each State to send one-quarter of its forces to Matamoras without delay, and ordered all the flags to be half-masted during the imprisonment of the President.

A stipulation in the treaty required that Santa Anna should be sent to Vera Cruz and on the first of June, accordingly, he was placed on board a schooner at Velasco under escort of two commissioners. But just as they were about to set sail, a company of volunteers from New Orleans arrived and hearing that Santa Anna was to be set free, created such a disturbance that he was taken ashore and sent to Quintana on the Brazos opposite Velasco, and a few days later protested to President Burnet. He complained that he was placed in a "narrow prison" surrounded by sentinels, that he was

treated more like a criminal than a prisoner of war, that no Mexican prisoners had been set at liberty nor had he been sent to Vera Cruz as the treaty stipulated. Burnet reminded him that the massacres at the Alamo and Goliad, perpetrated by his orders, were the cause of the deep, intense and righteous indignation of the people of Texas; that his hardships were the fortunes of war, that his discomforts were no greater than others suffered, and that Mexico had not observed the treaty and released Texan prisoners.

His fate was reserved for decision by the permanent government soon to be chosen. The elections were held in September, Houston was chosen the first President under the constitution, a great vote was polled in favor of annexation to the United States, and Congress, when it assembled, authorized the President to send a Minister to Washington to negotiate a treaty of annexation.

From his prison Santa Anna in July wrote to Jackson expressing his wish that the dispute between Mexico and Texas might be settled without further bloodshed and that Texas should be independent and annexed to the United States. He had no power to act, but was sure Mexico would extend the boundary line and transfer Texas to the United States for a fair consideration. Jackson replied that as matters stood the United States could not act. Until the independence of Texas was acknowledged no Minister from her could be received, nor any correspondence held with her as a nation. As Mexico had notified the United States that as long as he was a prisoner no act of his was binding, our government must wait till Mexico expressed her wishes. Should Mexico be willing to make the boundary line of the United States the Rio Grande from its mouth to latitude thirty-eight and thence to the Pacific our minister might be instructed to offer three and a half millions, guarantee by treaty to secure the Texans in all their rights, and admit Texas to the Union.

The Texan commissioners appointed by the provisional government had already brought the matter of annexation to the attention of the Secretary of State, and after an interview drew up and submitted a memorandum of the terms. All acts of the Texan government were to be held void; the public debt

was to be assumed by the United States; actual settlers were to be protected in their rights and have as much land as they could rightfully claim; slavery was to be recognized, and grants of land made for seminaries, colleges, and institutions of public utility.*

Stephen Austin just before his death wrote to Jackson's private secretary. He could not for a moment believe that the application for annexation would be refused. The people unanimously desired it. If the United States suffered this opportunity to acquire Texas to go unused it would be the greatest political error committed by the government since it came into existence.†

The Texan Congress having adjourned in December without authorizing the release of Santa Anna, President Houston assumed the responsibility and sent him under escort to Washington, where he arrived early in 1837.

When news of the landing of Cos near the mouth of the Brazos; of the rush of the Texans to arms and of the promises of Houston that each volunteer who came from the United States should have a liberal bounty in land, reached the southwestern section of our country excitement rose higher and higher. At Natchitoches a public meeting expressed sympathy with the Texans, and promised "all possible assistance in their struggle for liberty and the Constitution." ‡ At New Orleans the "immediate friends" of Texas met, pledged support, appointed a committee to correspond with the provisional government of Texas and with the other committees in the United States, called for donations and opened lists for subscriptions in money and offers of service as volunteers. Scores responded and in a few days two hundred thousand dollars was raised. At Boston a call was issued to devise means to relieve our fellow countrymen in Texas, and long extracts from the Mexican newspapers and excited proclamations by the Mexican generals were published to show how bitter was their feeling toward

* Jackson MSS., Library of Congress. Letter of Santa Anna, July 4, 1836. Letter of Jackson to Santa Anna, September 4, 1836.

† Ibid. S. F. Austin to A. J. Donaldson, December 14, 1836.

‡ New Orleans True American. United States Gazette, October 27, 1835.

"the rebels," the "gang of lawless foreigners," the "barbarian invaders," as the American settlers in Texas were called.

To volunteer for Texas became the fad of the hour and in a few weeks armed bands were hurrying from Tennessee, Louisiana, Alabama and Mississippi. At New York the grand jury for the Southern district asked the Circuit Court if it was, or was not, illegal to hold meetings and raise money to enable the people of Texas to wage war on Mexico, and were told such acts did not amount to an offence under section six of the Act of 1818. Section six applied only to military expeditions carried on from the United States against a foreign power with which we were at peace. Donations of money or of anything else were in no sense beginning or setting on foot military expeditions from the United States.*

To the sympathy thus shown to the Texans by citizens of the United States the attention of Forsyth was called by the Mexican *chargé d'affaires* as early as October. Several vessels, he complained, were fitting out in New York to join a dozen more at the Balize at New Orleans and sail for Texas. Some were armed to defend the expedition against Mexican cruisers; others carried arms and munitions of war. Two or three, he was informed, had already sailed from New York, and one, the San Felipe, from New Orleans.

Thus called on to act, Forsyth early in November addressed a circular note to the district attorneys of Boston, New York, Philadelphia, Baltimore, Mobile and St. Martinsville in Louisiana. Some of our citizens, Forsyth believed, aroused by love of change, adventure or connection with the settlers in Texas, might forget their duty to their government and, unmindful of its obligations to foreign powers, take part in the contest. But the President was determined to permit no meddling with the domestic disputes of foreign nations and called on the district attorneys to watch all movements of a hostile character, and to prosecute without discrimination all violators of the laws for keeping

* New York Journal of Commerce.

peace and fulfilling the obligations of treaties with foreign powers.

Despite these instructions the work of helping Texas went on openly. The New Orleans Grays were present at the fall of Bexar. The Red Rovers enrolled at Courtland in Alabama perished in the massacre at Goliad.

In November the Georgia battalion marched from Macon to New Orleans by the usual route, sailed in a schooner from New Orleans to Valasco, and after a delay of a month, sailed on to Copano and marched to the mission. Nine weeks later it reached Goliad, where it was met by orders to hurry to the relief of Colonel King. On reaching the mission King with thirty men was found in the church and the Mexicans in sight across the river. An attack on the church soon followed, but the doors were barricaded with pews, benches and images, the Mexicans beaten off and an express sent by night to Fannin. Next morning King left the church and was taken.*

Another band of one hundred and thirty Americans, Frenchmen, Creoles and Germans, allured partly by love of adventure and partly by Houston's promise of land, set sail in November in the schooner Mary Jane, bound, as they supposed, for Galveston.

When the schooner had been six days at sea and no land sighted, such of her passengers as were going, not to fight, but to settle, grew restless and thinking they had been out long enough to have reached Galveston, made inquiries, but were given no intimation of their destination till land was sighted and, the vessel standing in, it was announced Tampico was near, that a steamboat would take the schooner in tow, a landing be made, and the place captured. Some fifty promptly agreed to join in the venture; but as the steamboat was pulling the schooner along she grounded on a bar where the sea broke over her.

At great risk of life a landing was made during the night. All were then persuaded or forced to take arms and at sunrise succeeded in capturing a small fort which com-

* Letter of Samuel G. Hadaway. United States Gazette, June 26, 1836.

manded the harbor. Encouraged by this success a night attack was made on Tampico; but the assailants were beaten, scattered and twenty-eight prisoners taken and a month later shot under sentence of a court-martial.

In July a steamer from Louisville reached New Orleans with ninety-four volunteers for Texas, and a vessel with seventy sailed from New Castle.* In August the schooner General de Kalb, from Philadelphia, with men for Texas, put into Bermuda for wood and water.†

Meantime, the attention of the Federal authorities was called to the open violation of law at New Orleans. A firm doing business in that city wrote to the United States District Attorney, told him that the schooner Brutus was fitting out and armed with cannon for the purpose of capturing Mexican vessels and asked that steps be taken at once to prevent her departure. The Attorney replied that he could not act on current rumor, but he must have specific facts, affidavits and witnesses. True it was that some said that armaments had been fitted out and soldiers enlisted to make war on Mexico; but not a person could be found in the entire population to make affidavit to the facts or point out a witness who could testify to them.‡ Santa Anna, through his Minister of Foreign Relations, complained to Jackson that public meetings had been organized at New Orleans, that men, arms, munitions and silver had there been obtained for Texas, and that the press sought to give a color of American nationality to what was a mere speculation of adventurers. The colonists in Texas would never have dared to openly violate their duties toward their adopted country had they not been assured that prompt aid would be given along the frontier.

Not till the newspapers made public many letters written from Tampico by the prisoners when on the eve of execution did the Attorney-General order a prosecution of Mr. Christy and an examination of the charges.

Meantime the agents of Texas were busy in Tennessee

* United States Gazette, July 21, 1836.

† Ibid., August 23, 1836.

‡ Niles's Register, January 16, 1836.

and from Nashville came information that a certain Major Miller of the Texas service had enlisted troops, that he had enticed away young men in debt to their employers, and that the District Attorney refused to act because of no instructions. Thereupon he was commanded without loss of time to begin such proceedings as might be necessary to bring the offenders to punishment.

All this, however, was too late. The sentiment of the people was against prosecution, a sentiment greatly increased by startling news from Mexico. Late in February came the letter of Travis stating that he was besieged in the Alamo, that to Santa Anna's demand for an unconditional surrender he had answered with a cannon shot, and had sustained a bombardment of twenty-four hours. Next came the story of the storming of the Alamo, of the massacre of Travis, Davy Crockett and their companions in arms, and upon this the news of the retreat from Goliad and of the capture and butchery of Fannin and his men.

As the people read of these deeds in the newspapers expressions of indignation came up from all parts of the country and the work of aiding Texas received a new impulse. A letter from Felix Houston, of Natchez, made public in the Kentucky Gazette, announced that he was going to Texas with five hundred men, that he proposed to spend forty thousand dollars for arms, ammunition and uniforms, and that he wanted hardy, active, enterprising men, willing to cheerfully undergo the hardships of such an undertaking.

In the same newspaper was a letter from Austin, then at Nashville. The greatest enthusiasm, he wrote, pervaded all ranks and sexes for the cause of Texas. The women of Nashville had offered to arm and equip a company of Texas volunteers which would soon be ready to start. Both these letters were laid before the Secretary of State by the Mexican Minister, and the attorneys at Frankfort and at Natchez were instructed to investigate and act accordingly.

Enlisting, however, went on openly. Volunteers from Cincinnati amply provided with cannon reached Houston just in time to fight at San Jacinto. Two hundred men under Felix Houston, forty under Colonel Quitman, and four

hundred and fifty under Green found no difficulty in making their way to Texas. Later in the year when Gaines sent an officer into Texas to claim deserters from his army, they were found two hundred in number enlisted in the service of the young republic and still wearing the uniform of the United States.

At New York City a resolution was introduced into the Common Council declaring Texas to be a free, sovereign and independent State, and entitled to consideration as such in her intercourse with other nations.*

A meeting at Philadelphia, in favor of recognition of independence, declared that the usurpations of Santa Anna were full justification for resistance; that the people beheld with horror the cruelty of the Mexicans; that every lover of liberty should contribute as much as he could to sustain Texas, and that the President should interpose, if possible.† When it was known at Savannah that Santa Anna had been soundly beaten and taken prisoner at San Jacinto, the good news was hailed with every manifestation of joy. Business stopped, the Exchange and the public-houses were lighted and the guns of the Chatham Artillery were dragged out and a salute of one hundred guns was fired. At New York the event was duly celebrated by a dinner to which came the Collector of the Port, Hamilton, late Governor of South Carolina, Senator Preston, Members of Congress from Tennessee and the Texan Commissioners. The New Orleans Bee in its enthusiasm announced that nine thousand Americans would now take the field against Mexico.

From citizens of Burke County in North Carolina, from citizens of Philadelphia, of the District of Columbia, of Tennessee, of Louisiana, of Cincinnati, of Morgantown, North Carolina, of Mississippi, of Kentucky, and from the Legislature of Connecticut ‡ petitions came to Congress urging a speedy recognition of the independence of Texas. In

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* United States Gazette, April 21, 1836

† United States Gazette, May 3, 1836.

‡ Senate Documents, 24th Congress, 1st Session, Vol. V, Nos. 374, 365, 384; Vol. VI, Nos. 416, 418; and Executive Document, No. 288, 24th Congress, 1st Session, Vol. VII.

Congress a call was made on the President for information as to the state of affairs in Texas, a resolution was introduced proposing an appropriation for the outfit and salary of a Minister to the Republic of Texas, and the Senate Committee on Foreign Relations was instructed to report on the expediency of recognizing her independence. The committee reported a resolution that it was expedient to do so just as soon as information had been received that there was in Texas a civil government capable of performing the duties of an independent power, and the Senate unanimously adopted it. In the House a like resolution was adopted by a great majority.

At a public meeting in aid of the suffering women and children of Texas held at Philadelphia soon after Congress adjourned an urgent call was made for money.* Another held in the court-room in the same city pledged the use of every honorable means to aid "our brethren" in Texas to obtain political and religious liberty, declared this to be no violation of the law of nations nor of the treaty with Mexico, endorsed the exertions making in various parts of the country to raise men and money for Texas, approved the votes given in Congress in favor of an early recognition of independence, and appointed two men for each city block to go from house to house and solicit money.† At a third meeting in Philadelphia the war in Texas was declared not a rebellion but the struggle of a people for their rights, and the occupation of a part of Texas by Gaines was approved as a wise and just policy.‡

When General Gaines, at Camp Sabine, heard of the capture of Santa Anna he promptly called on the Governors of Louisiana, Alabama, Mississippi and Tennessee for troops. Gaines had been ordered by the Secretary, in January, to proceed to the Louisiana frontier, take command of the

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* United States Gazette, July 29, 1836. † Ibid., August 11, 13, 1836.

‡ Ibid., August 13, 1836. The rise and progress of the war in Texas are described in The Organization of the Texas Revolution, Eugene C. Barker; Yokum's History of Texas; A History of Texas, D. B. Edwards, Cincinnati, 1836; Texas, William Kennedy, London, 1841; A History of Texas, John Henry Brown; North American States and Texas, H. H. Bancroft, San Francisco, 1889.

troops in that quarter, enforce the thirty-third article of the treaty with Mexico and prevent any invasion of Texas by Indians from the United States. Hastening from Memphis toward Natchitoches he stopped at Baton Rouge to inform Secretary Cass that in view of the sanguinary manner in which the Mexican forces were carrying on the war against Texas, it might be necessary not only to defend the frontier against Mexico and her red allies, but to anticipate their lawless movements by crossing the frontier and meeting the savage marauders wherever found.

Gaines was told that it was not the wish of the President to take advantage of present conditions to obtain any portion of Mexican territory. Nevertheless, as steps had been taken to induce the Indians to join the Mexican troops, it might happen that the contending parties would approach our frontier and put in jeopardy the lives and property of our citizens. In that event Gaines might cross the boundary but should go no further than old Fort Nacogdoches.

When Gaines reached Natchitoches in April he was told that Santa Anna was rapidly approaching the frontier, that his plan was to put to death all men found in arms, and that as soon as he drew near the Trinity River the Indians would join him in a war of extermination, and he at once called on the Governors of the neighboring States for troops.

The Governor of Louisiana believed he was not authorized to furnish the forces required as the country was not invaded nor likely to be. General Gaines, he said, had been deceived by men engaged in Texan speculation. The sympathy of the people had been appealed to in favor of Texas in order to induce the United States to aid in raising in New Orleans a force of men who, after marching to the frontier to join Gaines, would invade Texas and take part in the war.

In Alabama, Mississippi and Tennessee the Governors made preparations to send off the quotas called for, but before they were ready to march Gaines, convinced that the frontier was not in immediate danger, recalled his requisition and the militia were not embodied.

Scarcely was this done when events across the border led Gaines to regret his act. The Mexican army at Mata-

moras under Urrea, he was informed, had been re-enforced and was rapidly advancing on Gaudalupe Victoria, the headquarters of the Texans under Rusk; that the cry of the Mexicans was, "Exterminate to the Sabine," and the motto of the Texans, "Liberty or Death," and that two men had been killed and women and children carried away by Caddo Indians in Robinson's Colony, a hundred and twenty miles from the Sabine. All this, when taken in connection with the bloody scenes at the Alamo, at Goliad and San Jacinto, indicated the character of coming events and imposed on him, Gaines believed, great vigilance if the work of devastation was to be stayed in the disputed territory and the frontier saved from the horrors of a savage war.

Another requisition was therefore made for militia to serve six months; but of this Jackson at once disapproved and none were sent. Gaines meantime had ordered some companies of dragoons from Fort Gibson in Arkansas to Fort Towson on the Red River and then sent them on to Nacogdoches on what was claimed by Mexico as her soil.

Gorostiza, the Mexican Minister, meantime had not been an idle spectator.* He protested against the instruction to Gaines not to go further than Nacogdoches as authority to invade the territory of a friendly power, and against the resolution before the Senate calling for recognition of the independence of Texas as a total disregard of the rights of Mexico and a departure of the United States from her old-time policy toward the recognition of governments *de facto*. He complained, in July, that two hundred men with drums beating and flags flying passed Grand Gulf in a steamer on their way from Kentucky to Texas; that a flotilla of seven vessels had fitted out at Natchez, had sailed with hundreds of volunteers to New Orleans and then had gone on unhindered to Galveston; that a Texan schooner with two Commissioners on board had come to New Orleans and had been saluted as a vessel of war; that another schooner carrying the Texan flag had entered the harbor of New York and had been recognized by the Collector as a National vessel,

* Executive Documents, 24th Congress, 1st Session, No. 256, Vol. VI.

commissioned by the President of the Republic of Texas, and when at last Gaines sent troops to Nacogdoches and the President refused to order their recall, Gorostiza, in October, asked for his passports and left the country.

The duty of offering explanations was then entrusted to Powhatan Ellis, our Minister to Mexico; but he too soon came home. The Secretary of State, in July, had sent to Ellis a long list of depredations on our commerce, insults to our flag, attacks on our Consuls, and assaults on citizens, going back to 1831, and bade him demand redress. Should none be offered within three weeks Ellis was to notify Mexico that unless redress was afforded without unnecessary delay further residence would be useless, and should this prove unavailing he was to say, that if no satisfactory reply was given in two weeks he would apply for passports. All was carried out as Forsyth ordered. The answers of the Mexican Government were not such as Ellis would accept, and in December he left Mexico with the papers of the legation.*

* Executive Documents, 24th Congress, 2d Session, Vol. III, Nos. 105 and 139.

CHAPTER LXI.

ACTIVITY OF THE ABOLITIONISTS.

While the recollection of the anti-slavery, anti-negro outbreaks of 1834 was still fresh in the minds of the people, there came to our shores Mr. George Thompson, a distinguished orator in the cause of abolition in Great Britain. He had been invited by Garrison while in England in 1833, reached New York in September of 1834, was warned by the Courier and Enquirer not to lecture in that city, and was ejected from the Atlantic Hotel at the request of an angry Southerner. Turning eastward Thompson began a lecturing tour through New England, where on more than one occasion his presence was resented. At Augusta the windows of his lodgings were broken and a committee requested him to leave town at once under penalty of mobbing. At Concord stones were flung at him while speaking at a woman's meeting. At Lowell an evening meeting was prevented by a placard calling on the people to rally and convince the South that its rights would not be interfered with by the North. The mob came and finding the house empty took possession and adopted resolutions.

With the coming of the new year the churches began to take sides on the slavery issue. Members and pastors of the Boston churches met to determine the action of Christians on the question; anti-slavery societies were formed by the preachers at the New Hampshire Conference, and at the New England Methodist Conference at Lynn; anti-slavery sentiments were declared by the Maine General Conference, the Maine Baptist Conference, the Utica Synod, the Michigan Synod and the Detroit Presbytery. The Synod of Virginia upheld slavery. The Presbyterian General Assembly put off

the issue to its next meeting. The Methodist Bishop of New Hampshire repudiated the abolitionists; the American Bible Society declined to accept money from the American Anti-Slavery Society to be used to put Bibles in the hands of slaves, and the Baptist General Tract Society of Philadelphia required its general agents to pledge themselves not to meddle with the question of slavery. The Baptist Board of Foreign Missions, in reply to an appeal from the Baptist Ministers in London urging the churches to help on emancipation, declared that emancipation was hazardous, that agitation of the issue would split the Church, that slave-holding Baptists were sincere followers of Christ and knew the true interests of the slave.*

In Congress, petition after petition for the abolition of slavery in the District of Columbia was laid upon the table by the House. In the Senate they were referred to the Committee on the District.†

The events, however, which make the year 1835 memorable in the history of the anti-slavery struggle, were caused by the action of the American Anti-Slavery Society. A circular was sent forth to the auxiliary societies, asking for thirty thousand dollars for more agents, more periodicals and the free distribution of anti-slavery tracts. During the first week of each month Human Rights, a small paper, was to be published; in the second the Anti-Slavery Record, a magazine with cuts; in the third the Emancipator, and in the fourth the Slaves' Friend, a magazine for the young.

Most of the money was quickly subscribed and by midsummer twenty-five thousand copies of the Slaves' Friend and fifty thousand each of Human Rights, Anti-Slavery Record and the Emancipator ‡ were printed and sent by thousands into the Southern States. None were addressed to slaves or free negroes. Supporters of slavery meantime took alarm, and toward the close of July a meeting arranged by

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* William Lloyd Garrison, Vol. I, pp. 477–479.

† Journal of the House of Representatives., 23d Congress, 2d Session, pp. 275, 301. Journal of the Senate, pp. 151, 162.

‡ The Emancipator states this number was printed in July. United States Gazette, August 24, 1835.

Southern gentlemen was held at Tammany Hall in New York. A resolution calling for a convention of delegates from the Southern States was opposed as giving too much importance to a set of fanatics and showing too little confidence in the people of the North. It was resolved, therefore, that whether slavery was, or was not, an evil and whether it should, or should not, be abolished were questions belonging wholly to the States; that the people of the South did not believe for a moment that the abolitionists could affect public opinion even in the North, that they relied on their Northern brethren to frustrate the scheme of those deluded fanatics; but, should a crisis come, the rights of property would be maintained.*

A few days later, in response to calls in the newspapers, a meeting was held in Richmond to consider the efforts of Northern abolitionists to interfere with the domestic concerns of the people of the South, and a committee appointed to report at a future meeting.†

Ere that day arrived the whole South was in commotion. In a little town in Mississippi, late in June, two negroes were overheard talking of an intended insurrection of the blacks. Information was at once given to the townspeople, express riders sent into the neighboring country, and the two negroes examined at a public meeting. Their story seemed so doubtful that they were remanded to prison to await further evidence; but the mob, fearing they would be set free, seized them and, in the language of the time, lynched them. A Vigilance Committee was then appointed with full power to arrest, try, condemn and execute. Two "steam doctors" as they were called were next seized, examined and hanged. One confessed, said he had agents on nearly every plantation, warned the Committee to beware of the Fourth of July, and named many whites and negroes who were arrested at once. Some were lynched, others were "slicked," that is, stripped naked, laid on their stomachs on the ground, their hands and feet bound to pegs and then flogged unmercifully.‡

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* New York Courier and Enquirer.

† Richmond Compiler, July 23d. The meeting was held July 20th.

‡ Letter descriptive of these scenes in Charleston Courier, copied by American Daily Advertiser, August 10, 1835.

At the very time these things were happening at Lexington, lynch law was being executed at Vicksburg. For several years past a nest of gamblers had defied the laws, insulted citizens and terrorized the town. During the festivities of the Fourth of July one of the gang became so insulting that he was taken to the woods, tied to a tree, flogged, tarred and feathered and ordered to leave town in twenty-four hours. At a public meeting resolutions ordering all gamblers to leave were adopted and notice to this effect was posted the following day at the street corners. Some fifty fled; but the worst remained and of them five were seized and hanged.

The scattering of this gang of miscreants alarmed the people of all the river towns and a crusade against gamblers and dissolute women spread over the southwest. Meetings at Natchez, New Orleans and Mobile deplored resort to lynch law at Vicksburg, but pledged the people to a vigorous support of the authorities and demanded a vigorous enforcement of the laws. At Cincinnati the mayor issued a proclamation declaring that he could and would enforce the law, and that resort to lawlessness by the people was unnecessary. At Covington, as a result of an affray between gamblers the mob tore down the house where the fight occurred. At Clinton a notice was posted warning gamblers that any such persons found in the town after a certain day "will be used according to the Lynch Law." The Louisville Journal promised like treatment to any of the Vicksburg or Natchez blacklegs that might come to Louisville. At Norfolk, also, the gamblers were driven out.

While the press of the North was loudly denouncing the Vicksburg lynching and the reign of mob law everywhere, news was received of an attack on the United States mail at Charleston. A newspaper called the Southern Patriot announced on July twenty-ninth, that the mail which arrived that morning by steamer from New York was not merely laden but literally overburdened with copies of the Emancipator, the Anti-Slavery Record and Slaves' Friend. Some were addressed to citizens, to clergymen of all denominations, and others to post-offices in Alabama, Georgia, Louisiana and Mississippi. This the Patriot said was a monstrous abuse of the privileges

of the mail, and some means of prevention ought to be adopted. If the general post-office could not stop it, then measures should be taken in places to which the papers and tracts were addressed to prevent their circulation. That night at a meeting of citizens measures would have been taken had not the lieutenant of the city guard persuaded the people to disperse quietly. A few of the more excitable did visit the post-office, removed a shutter, entered and carried off the abolition papers. On the following evening they were burned on the Parade Ground in the presence of a great crowd.

The City Council now resolved that as "a very proper excitement exists," because of the arrival of incendiary papers from the North, the Intendant should be requested to call a meeting of citizens. At the meeting thus summoned a committee of twenty-one was appointed to receive the mail expected by the next steam packet, accompany it to the post-office and arrange with the postmaster not to distribute seditious pamphlets which might at any time come in the mails. On the arrival of the packet at the bar, near sundown, a member of the committee and an agent of the packet company visited the vessel, ordered the captain to anchor for the night and the next morning the mail, under guard, was taken to the post-office and searched.

The Charleston postmaster, meanwhile, had reported to his chief at Washington. Kendall in reply declared that the Postmaster-General had no authority to exclude newspapers from the mail, nor forbid their carriage because of their real or supposed character or tendency. Yet he would not direct him to forward the papers. The post-office was created to serve the people of each and all of the United States, not to be the instrument of their destruction. "We owe an obligation to the laws," said he, "but a higher one to the communities in which we live, and if the former be perverted to destroy the latter, it is patriotism to disregard them. Entertaining these views I cannot sanction, and will not condemn, the step you have taken. Your justification must be looked for in the character of the papers detained and in the circumstances by which you are surrounded." *

* Richmond Whig, August 8, 1835.

This, said a Boston editor,* is the sentiment which justifies the burning of the convent, the Mississippi outrages, the attacks of the New York mobs on the ballot-box, the recent Baltimore riots, and man for a return to what is miscalled the state of nature. Is an individual or a class to say, we deem such a law unjust and is it patriotism to disregard it?

If the madmen who are scattering firebrands, arrows and death cannot be persuaded or rebuked to silence, we see no other alternative than for the slave-holding States to protect themselves by establishing all the odious machinery of passports and examinations to which travellers in Europe are subjected.† The law, said a Richmond editor ‡ is defective, and to supply its omission until Congress meets, the people and postmasters must act upon their own responsibility. All men will acknowledge that the circulation of incendiary tracts is out of the question. Who gives Mr. Kendall a right to judge of what is incendiary and inflammatory? exclaimed a New York editor.§ Was there any reservation of that sort in his oath of office? Because of its condemnation of Kendall's letter, the Evening Post was deprived of government patronage, the publication of the post-office list of uncalled-for letters was given to the New York Times,‖ and the delivery of copies of the Post sent through the mail was delayed as much as possible.¶

In a report to the President Kendall explained his true position. The papers, he said, were "most flagitious." He believed that unless such inflammatory matter was excluded, the mails could not be transmitted through the South. His only concern was, therefore, to intercept them with as little noise and trouble as possible, and this could best be done by giving no instructions and leaving each postmaster to interpret, as he pleased, the letter to the postmaster at Charleston. The office at Richmond had applied for instructions and had been given a copy of the Charleston letter. Another had been delivered to the Washington postmaster, who had also been ad-

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* Boston Atlas.
† New York Commercial Advertiser.
‡ Richmond Whig.
§ New York Evening Post.
‖ New York Evening Post. Niles's Register, September 19, 1835.
¶ New York Evening Post, September 12, 1835.

vised, verbally, to hand out none of the papers save to persons claiming them as subscribers. This he was sure would pacify the South.*

A mania for anti-slavery meetings, lynching, riots and negro mobbings now swept the country. Nothing like it had ever been experienced. The Richmond meeting declared that the South had a constitutional right to its slaves in the States, the Territories and the District of Columbia, asked the North "by strong yet lawful, by mild yet constitutional means to put down the abolitionists," and called on the Postmaster-General to stop the transmission of all printed papers "suspected of a tendency to produce or encourage an insubordinate or insurrectionary spirit among the slaves of the South." At Charleston the store-keepers resolved that they abhorred abolitionists and would not traffic with them directly or indirectly, and the City Council offered a thousand dollars reward for the arrest and conviction of any person bringing into the city, or printing, publishing or circulating any incendiary paper. Any person who voluntarily received such a paper, or held communication with abolitionists or their societies was an enemy to the State and inimical to its institutions. An Englishman charged with being an abolition agitator was hanged near Lynchburg. Amos Dresser, who travelled about Tennessee selling Cottage Bibles, was found to have abolition literature in his possession, was seized by the Vigilance Committee at Nashville, given twenty stripes and ordered to quit the town.† Reuben Crandall was arrested in Georgetown, charged with circulating Tappan, Garrison & Co.'s newspaper and lodged in the Washington jail. A mob gathered to lynch him, and when defeated in this, attacked the homes of free negroes and broke the windows of their churches. The City Council called on the mayor to keep the peace, and the mayor finding the militia useless summoned the citizens to rally at the City Hall. George Thompson was mobbed at Lynn and howled down at New Bedford. A town meeting in Canaan, New Hampshire, having voted for the removal of the Noyes

* Kendall at Jackson, August 7, 1835. Jackson MSS., Library of Congress.
† Nashville Banner, United States Gazette, August 22, 1835.

Academy where black as well as white students were received, a mob gathered with ninety yoke of oxen, moved the building half a mile and left it in the midst of a swamp. At Charleston a white man charged with trafficking with slaves was given twenty lashes, was smeared with tar and cotton and lodged in jail.* At Pittsburg the shop of a negro barber was mobbed and an attempt made to drive the negroes from the town.†

A gentleman from Portland stopped at Lexington, Virginia, to visit the Natural Bridge. While in the coach he had spoken so freely on the subject of slavery that on his return from the Bridge he was arrested, examined and barely escaped lynching.

At Petersburg resolutions were adopted informing the Postmaster-General that papers of a seditious character were frequently received at the post-office, and asking him to exclude them from the mails. Kendall replied that he lacked power to stop the evil of which they complained; but considered the use of the mails for transmission, from one State to another, of newspapers, tracts, pamphlets, tending to promote sedition and servile war, as a violation of the spirit, if not the letter, of the "federal compact" which would justify the injured States in resorting to any measure necessary "to effect their exclusion." ‡

The postmaster at New York requested the Anti-Slavery Society not to use the mails for the dissemination of their publications in the Southern States,§ and when the Society refused,‖ announced that he would lay aside their tracts and newspapers and refuse to send them in any direction by mail till ordered to do so by the Postmaster-General, to whom he at once reported.¶ Kendall approved the act, denounced the Society, admitted that want of authority alone prevented the issuing of the order desired and assured him "that if I were situated as you are, I would do as you have done. Your

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* Charleston Patriot, August 22, 1835.

† United States Gazette, August 26, 1835.

‡ Niles's Register, September 5, 1835.

§ New York Herald. Niles's Register, August 15, 1835.

‖ Evening Star. Niles's Register, August 22, 1835.

¶ Ibid.

act," said Kendall, "prevents the certain seizure of all the mails in the aggravated States in order to destroy obnoxious papers; prevents a speedy interruption of commerce and trade between the North and the South, for vessels bringing such papers would not long be suffered to float in Southern ports; allays the excited feeling of the white man against the black; prevents your becoming an agent of blind fanaticism or wicked design, which, if successful, could not fail to produce on our shores the horrors of San Domingo; prevents the government being made the unwilling abettor of crimes against the States, and enables the proper authorities to devise a safe rule for the future guidance of the department."

A public meeting, said to have been the greatest ever held in New York, assembled in the Park and adopted resolutions declaring for the right of private judgment and free discussion of all questions, but denouncing the abolitionists and their methods, the interference of foreign emissaries, all riotous and violent proceedings, all outrages on persons and property, and the sending of abolition publications to the slave-holding States, except to subscribers, as a gross infringement of the rights of the States.* Chancellor Kent endorsed these proceedings and especially approved the Boston and Portland resolutions.

The resolutions adopted at Portland declared the practice of some of the officers of the abolition societies of loading the mails with incendiary pamphlets, newspapers and tracts on slavery, in order to circulate them among the blacks of the slave-holding States, was an alarming abuse of the mails and tended to lead the people of those States to dissolve the Union; that it was the duty of all good citizens of each State not to interfere with the peculiar interests, concerns, laws and domestic policy of every other State, and that all such officious intermeddling deserved, and ought to receive, the reprobation of every friend of his country.†

The great meeting at Boston protested in language more vigorous still,‡ and another at Philadelphia called on the

* Niles's Register, September 5, 1835.

† Ibid., August 29, 1835.

‡ Boston Atlas, August 22, 1835.

legislature to enact such laws as should protect the people of the South from incendiary movements within the boundaries of Pennsylvania.*

The Baltimore Annual Conference of the Methodist Episcopal Church, the Synod of South Carolina and Georgia, the clergy of Richmond condemned abolition societies as harmful to the best interests of slaves and masters, appealed to the abolitionists to stop sending incendiary documents, and held up the conduct of Jesus Christ and his apostles, who always recognized the relation of master and slave as an example for ministers of the gospel to imitate. Schools for the education of free negro children conducted by several clergymen in Charleston were suppressed by the city authorities. The Vigilance Committee of the parish of East Feliciana, in Louisiana, offered fifty thousand dollars for the delivery to it of Arthur Tappan, and public meetings at Newark, New Haven, Albany, Troy and Lowell adopted resolutions denouncing the abolitionists.

The Massachusetts Anti-Slavery Society now published an address defending its course of action, denying that it had ever circulated any documents whatever among the slaves, or encouraged amalgamation by marriage, or interfered with the domestic concerns of the Southern States, or sought emancipation of the slaves at the safety of the whites; and claimed the right of freedom of speech and the liberty of the press.† The American Anti-Slavery Society asserted that Congress had no authority to abolish slavery; that State legislatures alone could do it; that American citizens had the right to express and publish opinions on the constitution, laws and institutions of any State under heaven; that it deplored servile insurrections; that the publications of the Society were not intended for slaves and had never been sent to them; that no agents were employed to distribute such publications; that packages had never been sent except to five persons at their request, but that single copies had been addressed to public officers, editors and clergymen.‡

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* Sentinel, August 25, 1835.

† Niles's Register, August 29, 1835.

‡ United States Gazette, September 10, 1835.

Just at this time there arrived at Philadelphia, on the New York boat, a box consigned to a merchant. In the course of removal it burst open and a quantity of Liberators, Emancipators, Human Rights, and pocket-handkerchiefs with pictures on them of slaves being flogged, fell out on the dock. Word was promptly sent to the Committee of Correspondence appointed at the anti-slavery meeting, and the assignee was called on to explain. He positively denied all knowledge of the box and its contents, which were then thrown into the Delaware.*

At Smithfield, Virginia, a meeting called for a convention of merchants at Richmond to consider the expediency of refusing to trade with any city, town or village where abolitionists were allowed to publish a newspaper, or meet to discuss the slavery question, or with any Northern merchant known to favor abolition. The City Council at New Orleans approved a circular to be distributed over Louisiana warning the people of the danger impending from the acts of abolitionists and suggesting precautionary measures. The Nashville Vigilance Committee announced that Arthur Tappan had gathered funds for circulating in the Southern and Western States incendiary pamphlets inciting the slaves to insurrection, and urged the merchants of Tennessee not to buy goods of Tappan, and the citizens not to deal with any merchant who bought of any abolitionist.

Some copies of Hersey's Appeal to Christians on the Subject of Slavery having been detected while on their way from a house in Richmond to one in Fredericksburg were burned by order of the Committee of Correspondence.

The people of the Parish of St. James and St. George, in South Carolina, unanimously resolved that if the non-slave-holding States at the next meetings of their legislatures failed to stop the proceedings of their abolition societies by efficient penal laws, it would become the duty of the whole South to leave the Union. Language of this sort found little favor. The favorite plan was suspension of trade with the North. Through the purse, it was argued, is the surest

* United States Gazette, August 27, 1835.

road to the understanding of men, and of those especially with whom the South is contending. Our trade is essential to them. Without it their cities had been fishing villages; withdraw it and they will soon fall into decay. We shall then cease to be dependent on the North. Our cities will thrive, our trade increase, our citizens enjoy the immense profit of a business now monopolized by New York, and the South receive some recompense for sustaining almost the entire burden of the government of the Union. The merchants are much disposed to try the experiment, but success will depend upon the country. Without the support of the country citizens they can do nothing. They stand ready to promise, and fulfil the promise, that if the country will buy their goods the quality shall be as good and the price as low as at present. Why may not Richmond import as cheaply as New York? And why may not a system of internal improvements be devised to join Richmond with the great West, the Ohio and East Tennessee; Memphis with Charleston and Nashville with New Orleans and Mobile? A convention of Southern merchants could digest, recommend and by their influence enlist all the Southern States in such a system. Let us take our own trade with Europe into our own hands, and assert at least our commercial independence of the North. Let it be a subject of consideration by the Southern Convention, which we hope will be held in accordance with the Charleston resolutions.

Why, it was asked, should our friends at the South contemplate a convention of merchants? Why punish their friends in the North because there are amongst them some fanatics who are harassing the South with incendiary publications? A general commercial non-intercourse would involve friends as well as foes. This is a political not a commercial question, and should be so considered.* Our friends of the South have never been spoken to in the proper tone. They have been too much in the habit of governing the country, have so constantly had their own way that they can bear nothing that works against their supremacy. When

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*New York Herald.

it was attempted to prohibit slavery in Missouri the cry was raised "give us slavery in Missouri or dissolve the Union." When the tariff was under discussion the South again threatened disunion unless it could have its own way. Now the South, unwilling to be told that slavery is a bad and dangerous institution, once more threatens disunion. The real reason for this outcry about incendiary publications is the knowledge that political power is departing from the South. Every one knows such publications can do no harm. Slaves cannot read and nobody is allowed to teach them. The masters, not the slaves, are addressed in these publications. It is time the people of the free States let it be known they will discuss any question as fully and as freely as they please. When they cease to do this they will no longer be free.

In the South the resolutions of northern town meetings counted for nothing. Action, not words, it was said, is what we expected from the North; not pompous assertions of the right of discussion, not idle declamations on the evils of slavery, not denunciation of the acts of fanatics as disturbers of the public peace, but express recognition of the power of the legislature to suppress these incendiary publications and their authors and a demand for the necessary legislation. Without this all the rest is but as sounding brass and a tinkling cymbal. Up to this mark the North must come if it would restore tranquillity and preserve the Union. In all the North, Philadelphia is the only city that has responded to the call of the South for energetic action. We urge our merchants therefore to extend their intercourse with Philadelphia, and have none with places that show indifference to our rights and interests. Let Lowell be the first put under ban. Let us use none of her manufactures. New York should speak again. She is the headquarters of abolition. There lives Tappan and there are the steam-presses which print the poisonous tracts scattered over the South. Not a doubt ought to be left as to her true opinions. The resolutions of Albany in their general expression toward the South are all that could be asked. But the failure of the meeting to call for legislative enactments is ominous. Let the South, however, persist in her demand as the one mode of attaining security for her rights and property.

That attempts at least would be made in Northern legislatures to secure the enactment of such laws as the South demanded was certain. Some weeks, however, must pass before the legislatures would meet, and during this interval the mob responded as best it could. An anti-slavery meeting at Haverhill was broken up by a shower of brickbats. Thompson narrowly escaped the mob at Concord, Whittier was pelted with mud and stones, a gallows labelled "by order of Judge Lynch" and provided with a noose for Thompson and another for Garrison was erected in the street before Garrison's Boston home; a rumor was current that a hundred thousand dollars would be paid for Tappan, and that the captains of two vessels in New York had offered their ships to carry him South. Subscriptions to a fund for the purchase of the heads of Thompson, Garrison and Tappan were opened at a store in Norfolk, and merchants in many cities were threatened with the loss of Southern trade unless they declared against the abolitionists.

Thompson now became especially hateful. It was bad enough, the Richmond Inquirer complained, for Garrison and Tappan to throw fire-brands into the South, but for Thompson, the impertinent intruder, the foreigner with nothing American about him, to meddle with our institutions exceeded the bounds of patience.*

This sentiment was so generally approved in Boston that when it was announced that Thompson would address a meeting of the Boston Female Anti-Slavery Society, the Commercial Gazette and the Courier called on the people to prevent him. The meeting was accordingly postponed, but was held a week later at the anti-slavery rooms. Then the mob, composed, it is said, of the business men of Boston, had its way. Gathering about the door and filling the street before the building the crowd put up the cry for "Thompson! Thompson!" who had been persuaded not to attend. The mayor assured the rioters of this fact, besought them to disperse, sent a few constables into the rooms to break up the meeting, and finally came himself and ordered the women to

* Commercial Gazette, October 12, 1835. Courier, October 14, 1835.

leave, which they did amidst the jeers and shouts of the crowd. A demand was then made for the sign, "Anti-Slavery Rooms," which the mayor ordered pulled down. When this was smashed to pieces the cry arose for "Garrison! Garrison!" who was then in the anti-slavery office adjoining the rooms. Fearful of consequences the mayor ordered Garrison to leave the building by the rear, which he did by dropping from a window to a shed and so to a carpenter shop, where he was seized and marched to the office of the mayor, committed to jail as a disturber of the peace and taken off in a carriage with the mob in hot pursuit. After the examination the next forenoon, Garrison was discharged and at the request of the city authorities left Boston for a time.*

While one mob was chasing Garrison through the streets of Boston, another was breaking up the Anti-Slavery Convention at Utica. The purpose of the meeting was to form a State anti-slavery society and Utica had been selected as a place geographically central. The people of the town, however, in mass meeting had denounced the abolitionists and their ways, had been urged by a political convention of Oneida County to close their churches, school-rooms, court-house and academy to the "deluded men who were kindling the flame of civil strife," and now heard with indignation that the Common Council had granted to the abolitionists the use of the court-room. Another meeting was thereupon called, and resolutions adopted setting forth that the people would not submit to such an indignity, that the building had been erected by the contributions of citizens for public purposes, not as a receptacle for reckless incendiaries, and that it was the duty of every citizen to prevent the meeting of the Convention. When the appointed day came the people took possession of the court-room and bade a committee make known their will to the fanatics.

Shut out of the court-room the delegates assembled in the Presbyterian Church, and had just finished the organization of their society when the committee, headed by the Judge, the county clerk and postmaster, and followed by a shouting

* William Lloyd Garrison, Vol. II, pp. 11–29: Papers relating to the Garrison mob: Right and Wrong in Boston. Liberator, Vol. V.

mob rushed down the aisle and stopped all further proceedings. A demand was made that the Convention adjourn, and when this was complied with, that the members leave the church. The minutes of the meeting were next taken by force from the Secretary, the delegates expelled, and later ejected from their boarding places. When night came the office of the Oneida Standard and Democrat was entered and types and cases thrown into the street.* On the following day the abolitionists finished their business at Peterboro, a town some five and twenty miles from Utica.

With November came the meeting of the legislatures of several States and remarks by the Governors on the issue of the hour. The Governor of New Jersey was not aware that any legislative action was necessary. Freedom of speech and the right of free discussion must not be restrained. The abolitionists, said the Governor of Georgia, are few and contemptible; but if their actions are connived at, or so tolerated that they can with impunity assail us through the mails, it is probable that we shall not long remain under the same social system with the States to which they belong. The evil which menaces our institutions has sprung up among our Northern brethren, is daily under their eyes, and it is for them to apply the remedy. If their professed regard for the Union is sincere they will act and allay the discontent now swelling and rolling from the Potomac to the Gulf. The Governor of North Carolina recommended the adoption of resolutions inviting the slave-holding States to co-operate in such measure as might be necessary to insure their safety, and urging all the States to enact such penal laws as would save the Union. It behooves us, therefore, said Governor McDuffie of South Carolina, to demand of all the non-slave-holding States a formal and solemn disclaimer, by their legislatures, of the possession of any power by the State, or by the United States, to interfere with domestic slavery in South Carolina, and the immediate enactment of penal laws providing for the incendiaries of whom we complain such punish-

* United States Gazette, October 23, 26, 1835. Niles's Register, November 7, 1835. The enemies of the Constitution discovered on an inquiry into the origin and tendency of Popular Violence, etc. By Defensor, Utica, 1835.

ment as will forever suppress their plots against our peace and safety. The Governor of Alabama informed the legislature that the grand jury of Tuscaloosa County had indicted the editor of the Emancipator, that a copy of the indictment had been sent to the Governor of New York with a demand * for the delivery of the offender to the authorities of Alabama, that he did not expect delivery would be made, and that the only hope of effectual relief was the passage, by the non-slave-holding States, of severe penal statutes.

Before adjourning the legislature of North Carolina adopted resolutions asserting her sole right to legislate for the slaves on her territory, expressing her willingness to join with others in enacting laws to prevent the circulation of incendiary publications in the slave-holding States, asking her sister States to stop the printing within their limits of publications tending to incite slaves to insurrection, and disapproved the abolition of slavery in the District of Columbia.† South Carolina declared the formation of abolition societies and the acts of fanatics calling themselves abolitionists to be a direct violation of the compact of Union and incendiary in the extreme; called for the suppression of such societies and for laws making it penal to print, publish or distribute newspapers, pamphlets, tracts and pictorial representations calculated to incite slaves to revolt, approved the refusal of the post-office department to transmit incendiary tracts, and announced that any interference with slavery by any State, or the general government, was to be resisted at once and on every possible occasion. From Virginia,‡ Georgia and Alabama came like demands for penal laws with which to crush the abolitionists, and their enactment was recommended by Governor Marcy of New York, and Governor Edward Everett of Massachusetts. In New York and Rhode Island bills to accomplish this purpose were introduced. To make a picture, to print or publish any writing intended to incite to, or cause insurrection, rebellion, riot, civil commotion or breach

* Made in September, 1835, for R. J. Williamson, publisher of the Emancipator.

† Journal House of Representatives, 24th Congress, 1st Session, p. 510.

‡ Passed February 16, 1836. Journal House of Representatives, 24th Congress, 1st Session, p. 415.

of the peace among the slaves, was to be a misdemeanor; and any person who should make, print, publish, circulate or subscribe money, or by other means enable any person to make, print, publish or circulate any pictures or writing of the sort described, was, on conviction, to be fined or imprisoned, as the court pleased.

When Congress met the President complained of the attempt to circulate through the mails "inflammatory appeals addressed to the passions of the slaves" and asked for a law to "prohibit under severe penalties the circulation in the Southern States through the mail, of incendiary publications intended to instigate the slaves to insurrection." Kendall in his report complained of the Northern associations which attempted to circulate through the mails, newspapers, pamphlets, tracts and almanacs containing false accounts of the treatment of slaves and illustrated with cuts calculated to excite the passions of colored men and cause "discontent, assassination and servile war," and defended the action of his department.

The Senate sent the remarks of the President to a select committee, which reported through Calhoun that to enact such a law as Jackson wished would violate the Constitution, overturn the reserved powers of the States, and be dangerous to their peace and safety. It would be unconstitutional because Congress is commanded to make no law abridging the liberty of the press, and a law forbidding the circulation of incendiary documents would imply the right of Congress to decide what papers may or may not be carried in the mails, and thereby subject to its will and pleasure the freedom of the press on all subjects, moral, political and religious.

It would infringe the reserved rights of the States, because it would assume the right of Congress to decide what papers are incendiary or intended to incite insurrection. Congress has express power to defend the States against external danger; but the duty of defending their internal peace and security is not among the enumerated powers, and is therefore reserved to the States themselves. It was for the slaveholding States therefore, and not for Congress, to determine

what papers should be classed as incendiary and likely to excite slaves to insurrection. Calhoun's bill accordingly provided, that no deputy postmaster in any State, Territory or District should knowingly receive and put in the mail any letter, packet, pamphlet, paper or pictorial representation, directed to any post-office or person in any State, Territory or District, by the laws of which the circulation of such documents was forbidden.

Against the bill it was urged that if all newspapers, letters, pamphlets, handbills, or any other paper touching the subject of slavery were to be denied the privilege of the mail, the constitution of Massachusetts would be adjudged inflammatory because it declares all men are born free and equal; the Declaration of Independence would be shut out for a like reason; speeches made in Congress, a recent one by the Senator of South Carolina among them, would be excluded, and even essays on the right of self-government, or the blessing of education, would not be mailable because slaves were not allowed self-government, nor permitted to learn to read and write; that if a newspaper, a pamphlet, a handbill addressed to any person were put in the mail, that person had a property in it, of which he could not be deprived without due process of law; that it transferred the regulation of the mail and the post-offices from the Government of the United States to those of each State, by making the laws of the States those for the regulation of the mails; that it required postmasters to examine the contents of the mail, and even break open letters or packages, in order to see that forbidden documents were not enclosed; that it gave postmasters judicial powers, for they were to decide whether the contents of the mails were incendiary; that it violated the right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures; and authorized the impairment of contracts by permitting papers intrusted to the government for carriage and delivery to be seized and held on the most unreasonable of all grounds, the opinion of a postmaster on the subject of slavery.

On the other hand it was asserted that the States had the sole right to prohibit the circulation of incendiary documents,

that the act proposed such a regulation, by the States; that all the United States could do was to adopt and enforce the regulation as in duty bound; that the transmission of incendiary documents was interfering with the rights of the States over slavery because aiding and abetting an attempt to destroy those rights; that power to regulate post-offices and post-roads was given for the general welfare, the public good; that to carry abolition papers and incendiary publications into the South was not for the public good, but tended to dissolve the Union and force the South to take care of her own interests, which she was abundantly able to do.

Buchanan argued that the bill did no more than withdraw the protection of the United States from postmasters who knowingly transgressed State laws deemed absolutely necessary to protect the people from slave insurrection. It did not in the slightest degree affect any non-slaveholding State, nor, indeed, any slaveholding State unless it enacted laws of the kind referred to in the bill. Are we bound, said he, by the Constitution, to circulate through the post-office publications tending to arouse the passions of slaves and incite them to insurrection? Have we, said he, no power over the mails? Even if a portion of this Union were in open rebellion against the United States, must we aid and assist the rebels by communicating to them through the post-office such publications and information as may encourage and promote their designs? Congress had power to establish post-offices and post-roads, and having done so did it not have power to decide how they should be used? It had just as much right to determine what should and what should not be carried in the mails, as to fix the rates of postage.

Clay considered the bill unnecessary and uncalled for by public opinion. The evil complained of was the circulation of papers of a certain tendency. These papers unless circulated did no harm. As long as they remained in the post-office or in the mail they were not circulated. Taking them out of the mail and the use made of them constituted the evil. Then it was quite proper for the States to apply a remedy. The instant a prohibited paper was handed out to anybody he was subject to the State laws which might force him to burn, or

surrender it. Quite late in the session, and after a long debate, the bill was rejected by a majority of six.

While the committee was preparing its report on the carriage of incendiary documents in the mails, the issue of slavery was brought before the Senate in another way by the presentation of two petitions from Ohio praying for the abolition of slavery in the District of Columbia. Calhoun at once demanded the question on receiving them. This he did because they were a foul slander on nearly half the States in the Union, because the question involved was one over which Congress had no power whatever, and because what they asked for was a violation of the Constitution. He saw in them an emancipation movement. The agitators looked on the District as the weak point through which the first attack should be made on the States. He dreaded the agitation which would follow the discussion of the subject in Congress. He dreaded the tendency it would have to break asunder the Union and asked for some decided measure to turn aside the evil. There must, there shall be, said he, some decided step, or the people of the South will never submit. And how are we to treat the subject? By receiving petitions one after another and thus tampering, trifling, sporting with the feelings of the South? No, no, no! We must turn the petitioners away from our doors regardless of what may be said or done. If the issue must come, let it come, and let us meet it as we ought to do.

As the discussion proceeded Buchanan presented a memorial from the Caln Quarterly Meeting of Friends and moved to reject it.

The issue was then before the Senate in two forms, one that the petitions from Ohio be not received, and the other that the memorial from the Quakers be read, and the prayer of the petitioners rejected. But so much objection was made to the language of those from Ohio that they were withdrawn, and on motion of Buchanan the Senate took up the Quaker memorial, the question pending being that raised by Calhoun, "Shall the petition be received?"

Those who supported the affirmative insisted that the right of the people to assemble and petition for the redress of their

grievances was guaranteed by the Constitution; that a petition drawn in respectful language must be received, but might be rejected; that to refuse to receive was a violation of the right of petition, a denial of the right to be heard, and a violation of the Constitution, for if the people have a right to petition it is equally the duty of Congress to receive petitions; that Congress had exclusive jurisdiction over the District and might if it chose abolish slavery; that the petitions were appeals to Congress to do an act within its authority and therefore were proper subjects for consideration; that the Constitution did not give Congress any power to legislate on the right of petition, for the language was, it "shall make no law . . . abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble and to petition"; that these words first acknowledged a right and then forbade Congress to abridge it, but conferred no power of legislation; that Congress cannot discriminate and say that on some subjects it will, and on others will not receive petitions.

The supporters of Calhoun insisted the petition ought not to be received because Congress has no power to abolish slavery; because a petition asking Congress to do an unconstitutional thing is an unconstitutional petition; because the abolition of slavery in the District of Columbia would be a blow at slavery in Maryland and Virginia, and a step toward abolition; because Congress ought not to abolish slavery in the District while it existed in Maryland and Virginia; because a petition must be for the redress of grievances felt by the petitioners themselves, not by others, and it was no personal grievance to freemen that negroes were slaves. Refusal to receive a petition was no abridgment of the right of petition, because the petitioners could meet as often as pleased them and send again and again the very same prayer, couched in the very same words. To reject the petition was not to condemn the petitioners unheard, because when Congress was asked to do a thing it could not do it need not stop to hear the petition; because Congress had no power to question an institution guaranteed by the Constitution, no right to assail or permit to be assailed the domestic institutions of a section of the country, institutions which the Constitution put beyond the reach

of the Senate. The difference between rejecting the petition and rejecting the prayer of the petition was too refined and abstract. Slaves were private property; Congress could not take private property without just compensation, and there was no fund provided by the Constitution for the purchase of slaves, because liberating them would not be taking private property for public use.

Congress, it was true, had exclusive power of legislation, that is, a grant of legislative power over the District to the exclusion of any other legislative power. But this was not an unlimited, an absolute, and despotic power. Could Congress abolish property in lands, enact agrarian laws, establish a community of goods? The ten-mile square was ceded by Maryland and Virginia not to Congress but to the United States and over the District Congress had merely the power of ordinary legislation and this did not extend to abolition. The legislatures of Maryland and Virginia had no such power. Nothing but amendments to these constitutions by the people could give them such power.

When at last the question was put, "Shall the petition be received?" the yeas were thirty-six, and the nays ten.

Clay then moved that it be rejected because the people of the District had not petitioned for the abolition of slavery, and because Virginia and Maryland would be injuriously affected by such a measure, but soon withdrew his motion. Debate on Buchanan's motion to reject the prayer of the Caln Quarterly Meeting was then resumed, and by a vote of thirty-four to six the memorial was rejected.

In the House the first petition praying for the abolition of slavery in the District of Columbia was sent to the Committee on the District; and the second was laid on the table. But when the third was presented it was met by a motion not to receive which was soon changed to one to reject.

In the course of the debate which followed Mr. Owens sent to the chair two resolutions declaring that in the opinion of the House the question of abolition of slavery in the District ought not to be considered by Congress, and that when any petition praying for such action was thereafter presented it should be laid on the table without debate. In order to

present his resolutions Mr. Owens moved that the motion to reject the petition be tabled. The House agreed to this; but when he sought to have the rules suspended that he might offer his resolutions the House refused.

Mr. Patton then moved to reconsider the vote which sent the first petition to the Committee on the District, and brought on a discussion which occupied much of three days, before the House decided to reconsider, and then laid the petition on the table, by a great majority, for even members from the free States were determined to do something to mark their disapproval of the actions of the abolitionists.

Such action, however, was lost on the abolitionists, and ere a fortnight passed, John Quincy Adams presented a memorial from citizens of Massachusetts, and moved that it be laid on the table without debate. A member instantly asked if it had been received, and the Speaker assuring him it had not, moved that it be not received. The Speaker decided this to be in order, and held that the forty-fifth rule could not apply till a petition had been received. From this decision Adams appealed. As a gag to all debate Mr. Jarvis moved the rejected resolutions of Mr. Owens, to which Mr. Glascock offered an amendment * and for which Mr. Wise presented a substitute.† Mr. Jarvis having accepted the amendment of Mr. Glascock, discussion began on the substitute offered by Mr. Wise.

Three questions were then before the House, the appeal of Adams from the ruling of the chair; the motion of Mr. Jarvis and the substitute of Mr. Wise. The appeal was decided in favor of the chair, and the question of receiving the petition in question and a host of others since presented was then taken up and laid on the table.

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* "Resolved, that any attempt to agitate the question of slavery in this House is calculated to disturb the compromises of the Constitution, to endanger the Union, and, if persisted in, to destroy, by a servile war, the peace and prosperity of the country."

† "That there is no power of legislation granted to the Congress of the United States to abolish slavery in the District of Columbia, and that any attempt by Congress to legislate upon the subject of slavery will be not only unauthorized, but dangerous to the Union of the States."

With this precedent as a guide the House, as petition after petition for the abolition of slavery and the slave-trade in the District was presented, proceeded to table the question of reception and was continuing in this way when Mr. Pinckney moved that all such memorials as had been presented, the resolution of Mr. Jarvis, the substitute proposed by Mr. Wise, and every other paper that might be presented in relation to the abolition of slavery be sent to a select committee with instructions to report, that Congress had no authority to meddle with slavery in any of the States, and that Congress ought not to meddle with it in the District of Columbia; and assign such reasons for their conclusions as should allay excitement, preserve the just rights of the slaveholding States, and establish harmony and tranquillity among the sections of the Union. After some debate the resolution was adopted, clause by clause, and a committee of nine appointed.

Three members promptly protested, because the power of Congress to interfere in any way with slavery in any State was not brought in question, nor in any manner referred to, in any memorial presented, nor in the resolutions of Mr. Jarvis, nor the substitute of Mr. Wise; because, holding it to be undeniable that Congress had no power to touch slavery in any State, they would endeavor to prevent any discussion of that question, or even its submission as a proposition to Congress. The House, however, refused to suspend the rules that the protest might be offered.

About the middle of May the Committee presented a long report supporting and explaining the instructions received from the House and ending with three resolutions. The first declared that Congress had no constitutional authority to interfere in any way with slavery in any of the States; the second that Congress ought not to interfere with slavery in the District of Columbia; the third, "that all petitions, memorials, resolutions, propositions, or papers, relating in any way or to any extent whatever to the subject of slavery, or the abolition of slavery, shall, without being either printed, or referred to, be laid upon the table, and that no further action whatever shall be had thereon."

No sooner was the reading of the report ended than mem-

ber after member from the South rose to denounce it. Wise, of Virginia, saw in it matter more offensive than abolition petitions, and not one ground on which a Southern man could rest a foot. Another had listened in vain for one South Carolina argument. Instead of a cool, firm, fixed purpose to stand on the rights, the chartered rights of the South, there were stale homilies about union and fanaticism, puerile rhetoric, Jesuitical sophistry. Why not speak out? A third asserted that it yielded to Congress the right to abolish slavery in the District, and everything the abolitionists expected, and moved to recommit the report with instructions to report that Congress has no constitutional power to interfere with slavery in the District.

When the first resolution was put, Adams asked for five minutes in which to prove it false and utterly untrue, but was forced to sit down amid shouts of "order, order," from all parts of the room. The resolution was then carried, yeas one hundred and eighty-two, nays nine. On the next day, after the usual wrangle over points of order, the second resolution was adopted, yeas one hundred and thirty-two, nays forty-five. The preamble and the third resolution were then read, and when the Clerk called the name of Adams, he arose and said: "I hold the resolution to be a direct violation of the Constitution of the United States, the rules of this House, and the rights of my constituents"; and then sat down amid loud cries of "order." The vote on adopting the preamble and the third resolution was, yeas one hundred and seventeen, nays sixty-eight.

The people, however, could not be gagged, and among them the issue was debated as vigorously as ever. The general Conference of the Methodist Church at Cincinnati, declared that it was wholly opposed to modern abolitionism, and disclaimed any right or wish to interfere with the civil and political relations of master and slave.*

At the General Assembly of the Presbyterian Church at Pittsburg, a committee acting on the petitions referred by the last General Assembly, reported that it was not expedient to

* Niles's Register, June 4, 1836, Vol. L, p. 233.

take further order on the matter as it was not proper for an ecclesiastical authority to interfere.*

The legislature of Massachusetts, in reply to the resolutions of Southern States, resolved that it distinctly disavowed any right, in itself or in the citizen of the commonwealth, to interfere with slavery in the Southern States; that the agitation of the question of slavery had interrupted the friendly relations which ought to exist between the States, was likely to permanently injure the principles of the Union, could produce no good results, but must do great and certain evil, and therefore, urged the citizens to abstain from all discussions, and all measures likely to disturb and irritate the public mind.

What the public would do when its mind was irritated, and how little it cared for freedom of the press, was soon strikingly illustrated by the action of the leading men of Cincinnati. Early in the spring of 1836, James Gillespie Birney began the publication of "The Philanthropist," at Cincinnati, and had put out but a few weekly numbers when the press-room was broken open and the press, type and material defaced or destroyed. Prompt demand was made on the mayor to offer a reward for the arrest and conviction of the offenders, a demand with which he would not comply, till the amount of the reward had been deposited. The sole effect of the proclamation was to arouse further public excitement and led to a call for a public meeting which decided not to allow the publication or distribution of an abolition newspaper, condemned the spirit in which "The Philanthropist" was conducted, and appointed a committee to see Birney and his associates and request them to desist, or hold themselves responsible for the consequences.

Birney referred the committee to the authorities of the Ohio Anti-Slavery Society, who were asked to state in writing whether they would or would not discontinue "The Philanthropist." The answer was, We will not; because such compliance involves a final surrender of the liberty of the press, and the right of free discussion, a tacit submission to the demand of the South that slavery shall never more be men-

* Niles's Register, June 4, 1836, Vol. L, p. 250.

tioned among us, and a cessation of the discussion of a question of momentous importance now occupying the mind of the people; because "The Philanthropist" is the organ of some twelve thousand citizens of Ohio, who intend to do all in their power to bring about the peaceful end of slavery; because its columns are open to the defence of, as well as to attacks on, slavery; and because the demand comes from slaveholders who, having broken down all the safeguards of liberty in their own States, are bent on making others follow their example.

The publication of the reply in the morning newspaper was followed, in the evening, by the gathering of a large mob before the office of the offending journal, and the destruction of the press, type, furniture and windows. A crowd carrying tar and feathers next visited the houses of Birney, and of Mr. Donaldson, a leading anti-slavery man, but neither was at home. The cry "Church Alley" was then raised, whereupon the mob moved off to sack a few houses of black and white men and women. This done, the "Swamp" was visited and half a dozen negro houses destroyed. Further search was made for Birney the next day, which was Sunday, and on Monday another public meeting expressed the opinion that the recent outrages were caused by the establishment of an abolition press.*

* James G. Birney and his Times, By William Birney, pp. 204–219; 240–255. Niles's Register, Vol. L, pp. 397–398.

CHAPTER LXII.

PROCEEDINGS OF CONGRESS.

When the President was writing his seventh annual message he found many matters to lay before Congress quite as important as the circulation of incendiary documents through the mails. The dispute with Great Britain over the northeast boundary of Maine; the growing surplus and its use; the extraordinary receipts from the sale of public lands; the near approach of the day when the use of gold and silver as a circulating medium would become general in the ordinary transactions of business; the happy deliverance of the country from the clutches of the Bank of the United States; the success of the experiment of collecting, disbursing, and safekeeping the public money by the agency of State banks; the removal of the Indians beyond the Mississippi—were all passed in review. But the topic to which Jackson devoted most space in his message was the conduct of France from the signing of the treaty of 1831 to the conditional appropriation of money in 1835.

That it was his intention to insult France, that he sought to intimidate her by menace, were statements, he said, as unfounded as an attempt to coerce her would be vain and ridiculous. The Constitution made it the duty of the President to recommend to Congress such measures as he believed the welfare of the people required. From the performance of this duty he could not be deterred by fear of wounding the feelings of any people, or any government of whom it might be necessary to speak, nor would the American people permit any nation on earth, however powerful, to interfere with the performance of duties which the Constitution im-

posed on their officers. If a foreign power might call the President to account for language used in his messages, it might, with equal justice, demand an explanation of statements in a report of a committee or of words spoken by a member of Congress in debate.

As soon as it was known that the government of France took exception to the message, our Minister had called the attention of the French government to the disavowal, contained in the message itself, of any intention to intimidate by menace. Yet it failed of any effect, and the law, with the obnoxious amendment, was approved by the King. Once more our Minister thought it his duty to make another attempt to convince the French government that we could never admit the right of any foreign power to ask an explanation of the communications which one branch of our government might make to another, and that such explanation as could reasonably be desired had already been given voluntarily.

That the French government, after these assurances, would continue to refuse to pay the instalment due seemed so unlikely that the agent authorized to collect the money was instructed to inform France that he was ready to receive it. In reply he was told that the formalities required by the Chambers had not been arranged. Our *Chargé* was then bidden to ask when the instalment would be paid, and if payment was refused, to return at once to the United States. The result of this application, Jackson said, had not reached him.

What had actually taken place was this. After Livingston had received his passport and departed, the Duke de Broglie addressed a long note to the French *Chargé* at Washington, stated the French view fully, and bade him read it to Forsyth and tender a copy. In September, accordingly, M. Pageot, the French *Chargé*, appeared before the Secretary of State, read the note from the Duke de Broglie, and tendered a copy. A law for the execution of the treaty, so ran the letter, had been presented to the Chamber of Deputies on April sixth, and June eleventh, 1833, and again on January thirteenth, 1834, and was rejected in April following. News of the rejection reached Washington in May, and in June

Serurier informed McLane that the King's government would present the law anew at the next session of the Chambers. The next session was in August, but merely for form's sake, for the sole purpose of complying with the Constitution, and no law was presented or discussed. To have brought forward such a law would have been contrary to established usage and assured its rejection. A special session, such as Livingston desired, would have produced no better result. Forsyth, the new Secretary, did, indeed, express regret that the next sitting had been fixed for the last days of December instead of the first. But nothing in his language prepared the French government for the statements in the message of the President.

Had the expressions in that message been inserted in a proclamation, or any other act of the Executive, France would at once have called for explanations. Out of respect for the nature of the act the French government was content to show its feelings by recalling its Minister and stating the reasons. It did not ask for explanations but was content to expect them from the United States. In this spirit the amendment of the deputies was formed. It did not ask for explanations, but supposed they would be made. Livingston was right in believing the objections of France to the message were twofold; that it impeached the good faith of his Majesty's government, and that it contained a threat of reprisals. True it was that several phrases could be found in the message in which the idea of impeaching the good faith of France, or acting on her through fear, was more or less disavowed. But such phrases, incidentally inserted, could not dispel the impression produced by the perusal of the message, nor strike the mind as would the same idea expressed in terms simple, direct, and unaccompanied by any recrimination. For these reasons the French government could not say that previous explanations given by Mr. Livingston and later approved by the President were satisfactory.

After listening to the reading of the letter, Forsyth refused to consider it as official, declined the privilege of making a copy, and at once instructed Mr. Barton to inquire what were the intentions of the King, and if a definite day for the

payment of the money was not named, ask for his passport and come home.

No day was named; but instead, Mr. Barton was informed that when the United States was ready to declare, in writing, that it regretted the misunderstanding which had arisen between the two countries; that the misunderstanding was founded on a mistake; that it never intended to question the good faith of France nor threaten her, then the money would be paid. Mr. Barton thereupon asked for his passport, and in the letter accompanying it was told that the United States must now know that on it depended the execution of the treaty of 1831.*

When this demand became known to Jackson he promptly laid the correspondence before Congress, reminded it that France had frankly and explicitly been told we had no intention to obtain our rights by an address to her fears, and declared that if she wanted a degrading, servile repetition of the assurance, in terms which she should dictate, she should never obtain it. He now suggested that the importation of French products be forbidden and our ports closed to all French vessels. As France was making warlike preparations, we should do the same, for, come what might, the explanation demanded could never be given, and no armament, however imposing, he hoped, would ever deter Congress from discharging the duties it owed to the people, to our national character, and to the world.

At this crisis, when each power seemed on the verge of an appeal to arms, Great Britain assumed the rôle of peacemaker and tendered both parties a friendly offer of mediation. Jackson willingly accepted it, and was soon informed that his Britannic Majesty had received from France assurances that the frank and honorable manner in which the President, in his message, had expressed himself in regard to the points at issue between the two governments, had removed all difficulties and that France would pay the indemnity whenever claimed.

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* Richardson's Messages and Papers of the Presidents, Vol. III, pp. 188, 189, 195, 197.

Thus ended the dispute, and before Congress adjourned Jackson had the pleasure of announcing that four instalments had been paid, and that no exertions should be spared to efface the memory of the misunderstanding which had temporarily interrupted intercourse between the two nations.

The long-standing controversy with Michigan, however, was not so speedily and happily ended. During the spring of 1835 the people, acting under authority of the Council of the Territory, had framed a constitution of State government, and ere Congress assembled in the autumn had elected a Governor, legislature, two Senators and a Representative, and prepared the way for an application for the admission of Michigan into the Union as a State, with the Fulton line as her southern boundary.

Such action was most embarrassing to the Territorial Governor, whose authority none were disposed to recognize; to the Federal Government, whose jurisdiction had in large measure been driven from the region comprised within the boundaries of the newly made State, and to both political parties, neither of which was inclined, on the eve of a Presidential election, to do aught that might cost it the five-and-thirty electoral votes of Ohio, Indiana, and Illinois.

The issues thus raised were brought before Congress by the transmission of a copy of a State constitution lately framed in Michigan, by the appearance of Senators and a Representative asking seats in Congress, by a memorial from Michigan requesting admission into the Union as a State, and by a bill to fix the northern boundary of Ohio.

In the Senate great opposition was made to receiving the memorial, which purported to come from the Senate and House of Representatives of the State of Michigan. Receive it, said the opponents, and we recognize as a State what is in fact a Territory, for no Territory made from public domain may become a State without an enabling act of Congress. Receive it, and we accept as the boundaries of Michigan the limits described in the pretended constitution, a thing we must not do, for no Territory may fix its own bounds, for that power belongs peculiarly to Congress. Recognize it, and we deprive Ohio, and perhaps Indiana and Illinois, of terri-

tory, which we cannot do without consent of the States concerned.

Does the Constitution, it was asked by the friends of Michigan, prescribe any form to be followed in admitting new States, or require the previous passage of an enabling act? Congress may admit new States; but it cannot make nor forbid the people to make them, nor refuse to receive a petition for admission when a State has been formed. Are we sure that Ohio, Indiana, and Illinois have the northern boundaries prescribed by the Ordinance of 1787—nay, do we not know that they have not? This being the case, are we sure it is not our duty to change them?

After hearing both sides the Senate sent the memorial to a select committee, which reported a bill definitely fixing the northern boundary of Ohio and imposing terms for the admission of Michigan. The constitution of Michigan separated her from Ohio by the Fulton line. The bill substituted the Harris line. The constitution gave Michigan but a small part of the upper peninsula. The bill added some nine thousand square miles as compensation for the loss of the territory in dispute, required the assent of the legislature to all these changes, and expressly declared that on this assent depended admission. The Senate, however, amended the bill, required assent to be given by a convention of delegates chosen by the people, and in this shape sent it to the House, where more opposition was encountered, based on the assured boundaries, on the constitution of Michigan, and on the provisions of the bill. The Ordinance of 1787, it was said, provided for the formation in the Northwest Territory of three States and gave them specific boundaries. It also provided that Congress might form one or two more States north of an east and west line drawn through the southerly bend of Lake Michigan. No general power was reserved to Congress to alter the bounds of the three States. The power so to do was specific and could be exercised only by drawing one particular line, and no other. This line Michigan has assumed and claims as her right under the ordinance, and Congress has no power to force her to accept another.

But is it allowable for Michigan to fix any of her bounds?

It is not allowable. The Ordinance of 1787 gave definite boundaries to the three required States, first, if they occupied the entire Territory, and then if Congress drew the east and west line. But what should be the boundaries of any State or States formed north of this line was left for Congress to determine. Michigan therefore has no right to ask admission as a State till Congress has ordained just what her bounds shall be, for it is not for Michigan, but for Congress, to decide whether there shall be one or two States north of the lake line.

When this question is settled by an act of Congress, then the people of Michigan, if there are sixty thousand of them, may frame, without authority from Congress, a constitution, and if it be republican in form the State must be admitted, for so the ordinance requires.

The constitution of Michigan was opposed because it naturalized aliens and had been formed by aliens. Prior to January, 1835, none but citizens of the United States who had resided in the Territory one year before election day and had paid a county or Territorial tax could vote. But under the Territorial law calling the constitutional convention any free white male of full age who had resided in the Territory for three months prior to April fourth, 1835, might vote for a delegate.

The constitution, then, is the result of alien votes, and this accounts for an article which gives the franchise to every free white male of age who resided in Michigan the day the constitution was signed. It was signed on June twenty-fourth, 1835, and thus naturalized every male alien living in the Territory on that day. An alien who reached Michigan on the twenty-third of June is thus to be invested with the right of suffrage. Had he gone to New York, a residence of five years and the process of naturalization would have been required before bestowing this inestimable privilege. Any alien man arriving in Michigan since the twenty-fourth of June may vote after a residence of six months.

Are we ready to adopt this as the policy of our country? How would it work in New York, for instance? In 1831, 1833, 1835, upward of one hundred and thirty-nine thou-

sand aliens landed in New York city. During four successive days of May last nineteen hundred and seventy-three arrived, and during the whole month of May more than fifteen thousand eight hundred. Suppose that the day after their landing, or even six months thereafter, the right of suffrage was given to every man of them, what would have happened? A handbill, freely circulated during the late charter election in New York, leaves us in no doubt. "Irishmen, to your posts, or you will lose America," it reads. "By perseverance you may become its rulers, by negligence you become its slaves. Your own country was lost by submitting to ambitious men. This beautiful country you may gain by being firm and united. Your religion may have the ascendancy and here predominate. By your perseverance this may become a Catholic country. Vote the ticket, Alexander Stewart, alderman, and Edward Flanagan for assessor—both true Irishmen."

Here are objects plainly avowed. Here is an appeal not to Americans but to aliens, and here is a bill calling on us to sanction the extension of suffrage to aliens that they may accomplish such purposes if they choose. The Federal Constitution provides that Congress "shall have power to establish a uniform rule of naturalization." In every State now in the Union five years' residence is required by an act of Congress. Has Michigan power to change this, and has Congress power, by accepting the Michigan rule, to violate the provision in the Constitution that the rule of naturalization shall be uniform?

The answer was, No. It is a mistake to suppose that citizenship and the suffrage are one and inseparable. Congress alone may pass a naturalization act and make citizens of aliens. The States alone regulate the suffrage. Why, then, attempt to control it in Michigan any more than in Ohio or in New York? We are told aliens may elect a Representative, and that a legislature chosen by alien votes may elect the Senators. So they may, for the Constitution requires that Representatives shall be elected by the "people," not by "citizens," who have the qualifications of electors of the most numerous branch of the State legislature, and

what their qualifications shall be is for each State to determine.

The bill, it was further argued, is objectionable because it provides for the admission of Senators and Representatives, a power belonging to each House separately; because it permits a convention, called to make a constitution for a defined territory, to spread it over a territory not represented in the convention; and because it calls on the people of a territory to be excluded from the State to vote on a fundamental law of the State.

The bill, notwithstanding these objections, was passed by the House, as was another on the same day to admit Arkansas.

The pathway leading to admission into the Union having thus been marked out, the legislature of Michigan summoned a convention, and in September forty-nine delegates met at Ann Arbor. The minority were ready to accept the situation, give the assent required, and, after Michigan was duly admitted, take the boundary question before the Supreme Court. But the majority, holding that Michigan was a State, that Congress could not change its boundary without its consent, and that the State constitution gave the legislature no authority to convene the convention, rejected the terms on which admission depended.

And now a revulsion of feeling set in, and at the call of a few citizens, delegates to another convention were elected in all the counties save two. By this "Frost-bitten Convention," as it was called, the assent of the people was given to the terms offered by Congress, and the fact made known to the President. Jackson might now, by proclamation, have declared Michigan a State in the Union, for so the act empowered him to do; but he saw fit to refer the whole matter to Congress, then in session, and the struggle began anew.

The financial state of the country was brought seriously before Congress by the presence in the Treasury of a large and steadily increasing surplus revenue. The payment of the national debt in 1835 set free the sums annually appropriated to the sinking fund, and when to this was added the proceeds of public land sales the surplus reached the amazing total of some twenty-four millions of dollars. To suffer

this to remain and grow was not the intention of the States or the people, and on Congress now fell the duty of finding a way to dispose of it.

Inspection of the Treasury receipts for three-quarters of the year 1835 made it quite plain that the tariff and the land sales were the sources of the surplus. Of twenty-three and a half million dollars paid into the Treasury between January first and October first more than thirteen and a half millions were customs dues, more than nine millions land sales, while all other sources produced less than seven hundred thousand. By January first, 1836, money in the Treasury had risen to nearly thirty-two millions eight hundred thousand, of which fourteen millions seven hundred thousand, or nearly one-half, came from the sale of public lands. Indeed, as eight and a half millions was the cash value of bank stock, the actual receipts from land sales exceeded those from all other sources.

To reduce the Compromise Tariff was impossible, for such an act it was feared would endanger the stability of the Union. Land sales therefore, and land sales alone, could be dealt with, and to this Congress turned its attention.

Some members were in favor of cutting down the price of land; some of surrendering large portions to the States in which the lands were; some of graduating the price according to quality; some of giving the lands to the States in which they were after they had been offered for sale for a certain time and not purchased; and others, of Clay's proposition to distribute the net proceeds among the States on the basis of representation.

Grundy proposed to use the surplus to buy what may be called the freedom of the railroads. Jackson in his message had complained that the railroads were demanding unreasonable pay for the carriage of the mails. Already, said he, does the spirit of monopoly show itself in the attempt to exact from the public undue compensation for service it supposes cannot be obtained on other terms. Let these claims be persisted in, and the question may well arise whether combinations of citizens, acting under charters from the States, may by direct refusal or exorbitant rates shut the United States from established channels of communication; whether

the United States may not by act of Congress secure the use of the railroads for the carriage of mails on payment of a fair compensation. To avoid such an issue he suggested that a sum fixed by law be offered, and Grundy, acting on the suggestion, introduced a bill. When a railroad, or section of a railroad, had been completed, the Postmaster-General was to contract for the free transportation over it of mails, troops, seamen and marines, and all property of the government, save timber and stone. The contract was to be perpetual, was to be a lien on the land and property of the road, and before execution must be approved by Congress. The sum paid any railroad, it was expected, would be such as, placed at interest, would yield a reasonable compensation for the service rendered, and was to be taken from the surplus in the Treasury.

All the benefits of free roads, it was urged, will be secured to the government at the cheapest possible rate, and without raising any of the constitutional questions involved in the old issue of internal improvements at government expense. Mails will be carried without charge, and a reduction of postage thus made possible. In case of invasion or insurrection, troops may be concentrated quickly and without cost, and the necessity of a great standing army, with its heavy military expenses, reduced to a minimum.

The importance of using the railroads to carry mails was apparent to everybody. Six miles an hour over a macadamized road was the average rate of a stage coach. Fifteen miles an hour could easily be made by rail. If, then, the railroads were not used to carry the mails, private intelligence would reach places two hundred and fifty miles apart while the mails were going one hundred miles. This would destroy the utility of the mails, cut down the revenue of the post-office, and greatly cripple the service. If a contract were made with a railroad to carry the mails for a short term of years—as four—competition would end the day the contract went into force, and when the term expired the post-office department would be at the mercy of the road and forced to pay such rates for continuing the service as the company pleased to demand.

To the railroads, on the other hand, the aid afforded by the perpetual contract would be most welcome. When one section was completed, and not before, the government would pay a sum proportional to the length of the section, and with this in hand the road could go on and construct a second section, when another sum would be paid, and so on till the road was finished. This incidental aid would be national, for in a short time railroads would be in operation in every State in the Union.

Webster would support the bill if it did not come in competition with that for distributing the land revenue. Buchanan and Calhoun both admitted that if something were not done, and done quickly, carriage of the mails would pass from the government to the railroads. But each had grave doubts as to the right of the government to make the contracts proposed. Did not the bill really provide for aid to a system of internal improvements? Did it not authorize advances to be used in completing railroads? *

Silas Wright wished to use the surplus to buy State stocks, and proposed that whenever there was seven millions and more in the Treasury the Secretary should so invest it.†

Benton was eager to dispose of the surplus by large appropriations for the general defence of the country on land and sea, and early in the session introduced resolutions proposing that the surplus revenue and the dividends received from the Bank of the United States should be set apart and used for the general defences and permanent security of the country, and that the President be requested to report what amounts were necessary to fortify the ocean, lake, and gulf coasts; to build armories and arsenals; supply the States with field artillery, arms, and pistols; and put the navy in such condition as was due to the security and welfare of the nation.

The objects contemplated, Benton explained, were general and permanent in character. Our country was not in a state of defence, and the present was a proper time to pre-

* Debates in Congress, 24th Congress, 1st Session. Part I, pp. 1199–1209.

† Ibid., p. 1383.

pare to defend it. The debt was paid, the people were prosperous, a surplus was rapidly growing, and he was in favor of setting it apart and dedicating it to the defence of the Union. Hitherto the surplus had been used as a sinking fund to reduce and pay the national debt. Why not continue the policy and set it apart till the country was in a condition as secure from receiving as it was adverse to giving offence? This was a sound general policy, and should be adopted without regard to impending events. Yet current events gave emphasis and should hasten its immediate adoption. A French fleet of sixty vessels of war, to be followed by sixty more, approaches our coast. It is called a squadron of observation—that is, of observation first and intimidation afterward, and of attack eventually. It leaves the French coast at the same time as the departure of our diplomatic agent and the assembling of Congress, and reaches our coast at the very moment we are to vote on French affairs, and takes a station off our southern border, that border which, above all others, is peculiarly sensitive to hostile approach. Our nakedness, our destitution has drawn on us the honor of this visit. How does it come that we are thus naked? One cause was the defeat last session of the three million bill which carried down with it the whole fortifications bill to which it was attached. This bill contained thirteen specific appropriations for works of defence, and was lost because of the opposition of the Senate to the three millions attached to it by the House. Another cause was the refusal of the Senate to appropriate five hundred thousand dollars for the repair, completion, and construction of fortifications, and another, the scheme of certain Senators to distribute the surplus, and therefore keep it as large as possible. Expenditure and distribution could not go together.

Senators were much incensed at these charges, and denied that the loss of the fortifications bill was any fault of theirs, but showed no disposition to use the surplus for national defence, and promptly attacked that provision. Grundy moved to so amend the resolution that it should read, "*so much* of the surplus revenue and the dividends of stock receivable from the Bank of the United States *as may be neces-*

sary for the purpose ought to be set apart." But Clayton went further still, and moved to strike out the word "surplus." The Senate adopted both amendments, and thus, shorn of all allusion to the surplus, the resolutions passed.

A few days after they were thus disposed of the Senate was surprised by the reading of a letter from John Tyler announcing that his resignation of the office of Senator had been forwarded to the Governor of Virginia. The General Assembly of that State had instructed both Tyler and Leigh to vote for the expunging of the resolution censuring Jackson for removing the deposits.

Since the day, two years before, when the censure was spread on the journal of the Senate, expunging it had come to be regarded as a party duty. Justice to Jackson required that it should be done, and done while he still held office. Candidates for State legislatures were questioned as to their views, and legislatures may almost be said to have been elected on the issue, shall or shall not the censure be expunged? One by one, therefore, many of them, holding the democratic doctrine of the right of instruction, not merely requested but required their Senators to use their influence and cast their votes on behalf of Benton's resolutions. During 1835 New Hampshire and New Jersey bade their Senators vote for expunging, and early in 1836 instructions of a like kind from New York, Ohio, Missouri, Illinois, and Virginia were laid before the Senate. Virginia in 1835 had resolved that the removal of the deposits by the President "was a dangerous and alarming assumption of power by that officer which cannot be too strongly condemned." But a great change had come over the opinions of her legislators, and in February, 1836, the General Assembly commanded Senators Tyler and Leigh to introduce and vote for an expunging resolution, and declared that the right of instruction was one of the vital principles of our free institutions, and that it was the duty of the Representative to obey or resign.* Governor Tazewell refused to transmit the resolutions,† whereupon they were sent by the presiding officers of

* Senate Documents, No. 263, 24th Congress, 1st Session, Vol. III.

† The Governor's letter is in Niles's Register, Vol. L, p. 11.

both branches of the legislature. Tyler at once resigned; * but Leigh refused to do so till he had "signalized" his resistance to what he honestly believed to be unconstitutional instructions.†

Maryland and Delaware declared against the mutilation of the journal; but so many States had demanded the removal of the vote of censure that, early in March, Benton gave notice that he would soon move to expunge. He was, he said, under a pledge to the American people to move for the expunging from the journal of certain resolutions. He had not done so at an earlier day because he believed such a motion should be made before a full Senate. There was still one vacancy, but that would soon be filled, and when it was, he should at once bring forward his resolutions. When introduced they set forth that the resolution of March twenty-eighth, 1834, was irregularly, illegally, and unconstitutionally adopted, because it adjudged Jackson guilty of impeachment, put a stigma on him as a violator of his oath of office, and allowed him no benefit of trial or means of defence; that it was erroneous and unfounded in point of fact, unjust and unrighteous, and contained nothing but a loose and floating charge of assuming improper power; that the Senate being the tribunal for the trial of the President when accused by the House, the adoption of such a resolution before articles of impeachment were presented was a breach of the prerogatives of the House, a violation of the Constitution, a suppression of justice, and a prejudgment of the question; that the respectful and temperate defence and protest of the President against the resolution had been rejected and voted a breach of privilege; that it was of evil example and dangerous tendency, and ought never to have been received, debated, or adopted by the Senate or entered on its journal. Therefore the resolution should be expunged, and the secretary, having brought the manuscript journal into the Senate, should, in

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* Tyler's letter is in Niles's Register, Vol. L, pp. 25–27. Rives was at once elected in his stead.

† Leigh's letter is in Niles's Register, Vol. L, pp. 28–32. He agreed to resign "at the commencement of the next session of the present Assembly."

its presence, draw black lines around the resolve and write across the face of it in plain letters the words, " Expunged by order of the Senate this —— day of ——, in the year of our Lord 1836."

In defence of his proposition Benton argued that the injunction in the Constitution to each House " to keep a journal of its proceedings " meant not preserve, but make, a journal; that the idea of keeping a journal was borrowed, with much more in law and parliamentary usage, from Great Britain, and that, high and sacred as was the character of their journals in the eyes of Parliament, neither House had ever hesitated to obliterate or expunge any entry thought to be unconstitutional, untrue in law or fact, or unfit to be drawn into precedent.

But it was not in England alone that precedents need be sought. They were to be found on this side of the water, both before the Revolution and since the Revolution, in the proceedings of the colonies, of the States, of the House of Representatives and of the Senate of the United States. Did not the Virginia House of Burgesses expunge from its journal one of a set of resolutions moved by Patrick Henry and carried by the House? Did not the Senate of Massachusetts expunge from its journal a resolution which party spirit had recorded there? Did not the Continental Congress in the last year of its existence expunge from its journal all record of opposition to the Federal Constitution just then received from the hands of its makers? Did not the Senate of Tennessee a few years back strike out an entry on its journal, in almost the very manner proposed, by drawing black lines around the passage condemned? Did not the Senate of the United States in 1806 expunge from its journal everything relating to the objectionable memorials of Samuel G. Ogden and William S. Smith? Did not the House of Representatives in 1822 expunge from its journal an announcement of the death of Mr. Pinckney made a few hours before that distinguished patriot died?

Two years had passed since the resolution proposed to be expunged was entered on the journal; during that period public attention had been called to it by able and eloquent

debates, by searching discussions in the press, by the demand of eleven States that it be expunged, and so it should be.

Opponents of expunging took the ground that the resolution called for an act forbidden by the Constitution; that the prohibition was contained in the words, "each House shall keep a journal of its proceedings"; that the word "keep" did mean guard, take care of, preserve; that the injunction was mandatory; that every proceeding of the Senate must be entered on its journal and, whether constitutional or unconstitutional, must there remain. Long arguments were made to prove that, in a strictly literal sense, in common usage, in holy writ, even in parliamentary language, "to keep" meant preserve. To keep a store, keep a house, a horse, a promise, meant care for and preserve them. Is not the English translation of the Bible, it was asked, an authority for the meaning of words and phrases? Do we not find therein many uses of keep? "He kept him as the apple of his eye"; "except the Lord keep the city"; "Holy Father, keep through thine own name"; "I keep them in thy name"; "All thou gavest me I have kept." Such again were the parliamentary terms, keeper of the rolls, keeper of the records, and keep order. Still more binding if possible was the constitutional requirement that, at the request of one-fifth of the members present, the yea and nay vote must be entered on the journal, for of what use was that requirement if the Senate, at any future date, could expunge the yeas and nays and deprive members of their constitutional right to have their names recorded and their opinions registered on all questions on which they voted?

Taking the words, "each House shall keep a journal of its proceedings," in the order in which they appear in the Constitution, it followed that, if they meant anything, they must mean that each House shall cause a record of its proceedings, its doings from day to day, to be entered on a journal, and preserve the record so made; that without recording them there could be no journal, and unless preserved the journal would not be kept; that the journal, not may, but must, be kept, and must be a record of the proceedings, and not merely of a part of them.

It was pointed out that Great Britain did not have a written constitution, that neither House of Parliament was under an express obligation to keep a journal, that doing so was optional, and each might mutilate or deface its journal at pleasure, and that instances of expunging drawn from such sources were without influence as precedents in our country.

But the Senate was not yet disposed to mutilate its journal, and, late in the session, Benton's resolutions were laid on the table and remained there when Congress rose. So likewise was a resolution offered by Calhoun that the Committee on Judiciary be instructed to inquire into the expediency of providing proper means for keeping the journals of both Houses, and for protecting them from being mutilated, obliterated, defaced, expunged, disfigured, altered, or otherwise destroyed or injured.

Though the Senate refused to gratify the friends of Jackson by expunging the vote of censure, it afforded their chief a personal triumph by confirming the appointment of Andrew Stevenson to be Minister to the Court of St. James, and that of Roger B. Taney to be Chief Justice of the Supreme Court. Since the rejection of Stevenson in June of 1834 no other name had been presented, and for more than four years, dating from the rejection of Van Buren, our country was not represented by a minister in London. But the strength of the administration party in the Senate had been greatly increased of late. The nomination of Stevenson was therefore again sent, and, despite an adverse report from the Committee on Foreign Relations, was confirmed. John Marshall died in Philadelphia on July sixth, 1835, in the eightieth year of his age. He was appointed Chief Justice on the last day of January, 1801, took his seat on the bench on the fourth of February, and in the course of four and thirty years had raised the Supreme Court from a petty tribunal to the most august in the land, had delivered opinions which set forth and established its jurisdiction, limited the powers of Congress and of the States, established new principles of government, and shaped and moulded the Constitution.

To find a worthy successor was a hard task; but to Jack-

son it seemed easy, and he sent to the Senate the name of Roger Taney.* Twice had his name come before the Senate, once when nominated for Secretary of the Treasury, and again when appointed a judge of the Supreme Court, and each time the Senate had refused its assent. That Jackson was moved by any consideration of fitness may well be doubted. Justice to Taney alone moved him. His will must be the law. The stone twice rejected by the builders must become the corner stone of the temple, and this time the Senate by a strict party vote consented.†

To Jackson that act was a great personal triumph, nor did Taney view it in any other light. The dignity, the grave responsibilities of the great place to which he had been raised, the illustrious career of his distinguished predecessor, might well have sobered the new Chief Justice. But it was with no thoughts of such things that Taney took his seat in the chair of John Marshall. "There are," he wrote Jackson, "circumstances connected with my appointment which render it even more gratifying than it would have been in ordinary times. I owe this honor to you, to whom I would rather owe it than to any other man on earth, and I have been confirmed by the strength of my own friend. I go into office not by the leave, but in spite of the opposition of the men who have so long and so perseveringly sought to destroy me, and I am glad to feel that I do not owe it to any forbearance on their part. But it is a source of further gratification "that if Providence spares our lives, it will be the lot of one of the rejected of the panic Senate, as the highest judicial officer of the country, to administer, in your presence and in the view of the whole nation, the oath of office to another, rejected of the same Senate, when he enters into the first office in the world. The spectacle will be a lesson which neither the people nor politicians should forget." ‡

By this time the dispute with France had been happily adjusted, and the Senate, more than ever disposed to listen to some plan for disposing of the surplus, had taken up the scheme so long, so persistently urged by Clay.

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* December 28, 1835. † March 15, 1836.
‡ Taney to Jackson, March 17, 1836.

One day late in December, the business of the morning having been finished, Clay asked leave to introduce a land bill. He proposed, he said, to distribute among the four-and-twenty States the net proceeds of public land sold during the years 1833 to 1837 inclusive. Ten per cent. of the money paid for land sold in the seven new States was to be set aside for them in addition to the five per cent. already theirs under compact with the United States. The residue, whether from sales in States or Territories, was to be distributed among all the States on the basis of their federal population. Large and liberal grants were also to be made to several new States to put them on an equality with others to which the bounty of Congress had been extended.

The net amount of sales for 1833, 1834, 1835, Clay stated, was twenty-one million dollars. This he proposed to distribute on May first, 1836; two millions and more among the seven new States, eighteen millions and more among all the States.

In general the new bill was much the same as the act vetoed by the President in 1833. Had the Executive, said Clay, approved it, heads of departments would not now be taxing their ingenuity to find useless objects of expenditure; twenty millions of dollars would have been in the hands of the States for internal improvements, education and colonization; new channels of trade and communication might have been opened, industry stimulated, labor rewarded, youth rescued from ignorance, vice, and ruin, and innumerable descendants of Africa transported from a country where they never could enjoy political and social rights to the native land of their fathers.

Leave was granted; the bill went to the Committee on Public Lands, and was duly reported in April. Meantime resolutions in favor of distribution had come from the State legislatures of Rhode Island, Kentucky, Pennsylvania, and Maryland, and against such use of the money from Missouri, and an amendment had been offered extending the annual distribution to the end of the year 1841.

Senators who opposed the bill held that it provided for the distribution not of the net proceeds of the public lands

but of the revenue of the United States. By the most liberal calculation possible the gross receipts from the sale of public lands, from the passage of the act of 1790 to the end of the fiscal year 1835, was, they claimed, but sixty-one and a half million dollars. The total cost of lands, including principal and interest for the purchase of Louisiana and Florida, money paid for the Cumberland road, the Yazoo claim of Georgia, and under Indian treaties, and the expenses of the land office, salaries of receivers, registers, surveyors, and the cost of surveying, was, all told, for the same period, a little over sixty-one millions. The difference was the true net proceeds, and this difference was but three hundred and fifty thousand dollars.

In the sixty-one and a half million dollars of gross receipts was included seventeen million nine hundred and ninety-one thousand received for land sold between 1833 and September thirtieth, 1835. Was it not clear, then, that prior to 1833 there was no surplus, no net proceeds, but a great deficit? Up to that time the lands were in debt to the Treasury. Not till the close of 1835 did net proceeds appear. To take money from the Treasury which came into it from land sales before 1835 would be to take money not there, money which had been advanced, which had been derived from other sources. It would be a distribution not of net proceeds but of revenue.

Such a gift of money from such a source would demoralize the people and reduce the States to a condition of abject dependence on the national Treasury; would engender local strife and disgraceful scrambling in the State legislatures; would create the necessity of raising by taxation an amount greater than the sum distributed; and to raise money by taxation merely for the purpose of distributing it among many that had not originally contributed it was bad policy, bad government, bad finance. Once in the treasuries of the States, wild schemes of internal improvements, such as they did not need and under other circumstances would not have dreamed of, would be undertaken; expenses greater than the land fund could supply would be incurred, and more taxation would be required to make good the deficit. The prin-

ciple of distribution, moreover, was unjust because it gave to seven States nearly a third of the entire sum, when a fair distribution would give them but a sixth; because it ceded to several States half a million acres each, in addition to large grants already received, and because it gave to the old States sums far less than they had contributed to be used in quieting Indian titles and paying Indian annuities and managing the public domain. The Revolutionary debt for which the lands had been pledged had not been paid out of the proceeds of their sale, but out of money collected from imposts. The cessions of Virginia, Connecticut, Massachusetts, and Georgia were not for the purpose of filling the coffers of Maryland, New Jersey, Pennsylvania, or Vermont, nor did the framers of the Constitution ever intend that the funds of the nation, however raised, should be distributed among the States.

A vote for the bill was a vote to make the States pensioners on the general government, stipendiaries of its bounty, distributees of its revenue. The whole taxing power would soon be absorbed by the general government and State taxation be discontinued, and the expenses of the old States would be paid out of the proceeds of land sold in the new. A vote for the bill was a vote for a high tariff, for when the land revenue was given away the cost of government must be met by the proceeds of the tariff. Refuse a distribution, and a lower tariff, a reduction in price of land, a liberal pre-emption law, and generous donations to new settlers and new States would surely follow.

Revenue from customs, it was held, was scarcely equal to the ordinary cost of government, could not bear any extraordinary appropriation, and as further reduction of rates must be made in 1837, 1839, 1841, and 1842, the tariff would soon fail to produce the absolutely needed revenue.

Sixty-nine appropriation bills on the files of the House and Senate called for the expenditure of twenty-eight million dollars, and nineteen others for sums not stated. Yet there was in the Treasury, at that moment, but thirty-two millions of dollars. Pass this distribution bill, and appropriations

most proper, nay, necessary, for the welfare of the country, must be cut off at once. The army must be neglected while the Seminoles ravaged Florida, the navy must languish, fortifications be discontinued, and every department of government, civil and judicial, deprived of needed support.

Clay defended his bill as constitutional, just, and expedient, and a very proper measure to relieve the country from the evils of a surplus revenue not wanted for the use of the government and not safe in the possession of the State banks. The majority were with him, the bill passed, and early in May the Secretary of the Senate took it to the House, where it was tabled to make way for a far more popular scheme for the distribution of all the surplus revenue, a bill which had come down from the Senate bearing the title, "An act to regulate the deposits of the public money."

At the opening of the session Calhoun had reintroduced the bill for the regulation of public deposits, which at the previous session passed the Senate but not the House, and contained provisions for two distinct objects, the deposit and safe-keeping of such a sum of public money as was to be retained by the Treasury, and the disposal of the excess above that sum. As to the proper use of the surplus three amendments were offered: one, by Silas Wright, that whenever the money in the Treasury amounted to more than seven millions the excess should be invested in stocks of the States; one, by Calhoun, that for a certain time and on certain conditions the unexpended balance on the last day of each year should be deposited with the States in the ratio of population, to bear no interest and to be retained till needed; and one, by Webster, that all the money in the Treasury on January first, less a certain sum, should be divided among the States in proportion to population, one-half on the first of April, and one-quarter on the first of July and October, to be kept by the States and repaid when needed.

At this stage of the debate the bill and amendments went to a select committee, which reported as a substitute the bill which, after some amendment, reached the House. The Secretary of the Treasury was to select, near the places of col-

lection and disbursement of the revenue, State banks to be depositories of the public money. Each might have an amount equal to three-fourths of its paid-up capital, must redeem its notes in specie, and after July fourth, 1836, must issue no notes under five dollars. Should there be no safe banks near any place where the revenue was gathered, or should they refuse to receive the money on deposit, or should the amount collected exceed the shares to which they were entitled, the Secretary might deposit in other banks of that State or Territory or in those of an adjacent State. Interest at two per cent. per annum must be paid by each bank on all deposits in excess of one-quarter of its paid-up capital when the excess had been on deposit for three months.

The three sections which related to the distribution of the surplus provided that all money in the Treasury on the first of January, 1837, less five millions of dollars, should be deposited with the several States in proportion to their respective representation in the Senate and House of Representatives; required each State to pledge its faith for the safe-keeping and return, when required, of the share it received, and named the first days of January, April, July, and October, 1837, as those on each of which one-quarter of the deposit should be made with the accepting States.

A struggle at once began in the House for a separation of the bill into two, one to regulate the safe-keeping of the deposits in the State banks and another for the distribution of the surplus. In the midst of the contest R. M. Johnson went about among the members assuring them that Jackson would approve a deposit with the States but would surely veto a loan. An amendment was therefore proposed at once; the provision for certificates to be sold and bear interest from the date of sale was stricken out; each State was required to pledge its faith for the repayment of the money it received, when needed to meet appropriations, and the Secretary was forbidden to call for more than ten thousand dollars in any one month from any one State without giving thirty days' notice for each twenty thousand required.

This the Committee of the Whole reported to the House, which passed it immediately, with every manifestation of

delight.* "I never witnessed such rejoicing," Johnson wrote Jackson, "as I have this day seen among our friends as soon as I gave assurance to most of them that you would approve of the deposit principle with the States, but that you would veto a bonus, or loaning as specified. The amendment embracing your suggestions went like wildfire or the fire of the prairies." †

The Senate promptly accepted the amendment, and the next day, June twenty-third, Jackson signed the bill. That he had acted wisely seemed so doubtful that, to quiet his conscience, the President wrote to Taney for advice. The Chief Justice assured him that if the principle were once acknowledged that Congress might raise revenue beyond the needs of the general government, deposit the money with the States or with a corporation, suffer it to remain to the end of time, and go on raising more to add to the deposit, there was no limit to the powers of Congress. The friends of the administration were wrong in supposing that the power to tax might be extended to other purposes than paying debts. They would find it impossible ever to get back the money from the States. The universal impression was that it never would be recalled, and if not returned the friends of strict construction would be guilty of sanctioning a principle directly at variance with that for which they had so long contended. He had not met one political friend who did not regret the course taken by the party in Congress. Still, all admitted that, considering the shape in which the bill came to Jackson, and the vast majority by which it had passed, he did right to withhold his veto, and in this Taney concurred.‡

Just how large the surplus would be was not known; but, supposing the sum to be at least thirty millions, Delaware, with three members of Congress, would receive three hundred and twelve thousand dollars, and New York, the most populous State, four millions and three-quarters.

The causes of the great sales of public land in the years 1834, 1835, and 1836, were said, by men who lived in those

* The yeas were 155, the nays 38.

† R. M. Johnson to Jackson, June 2, 1836.

‡ Taney to Jackson, June 28, 1836.

days to have been the wild craze for speculation, a rise in the price of cotton, the wave of immigrants which swept over the West, the recklessness with which the frontier States entered on systems of internal improvement, the ease with which money could be borrowed from the banks, and the low price of public lands, for any acre open to private sale could be had for a dollar and a quarter. Millions of acres were bought to be held for a rise in value. Hundreds of thousands were laid out as town sites and sold at immense profit. Villages and cities sprang up in the wilderness, said a writer describing these times; wild and unproductive prairies suddenly became mines of wealth, and all who had money or credit plunged headlong into speculation. The farmer, the manufacturer, the city merchant, the country merchant, bought land and paid their debts, if paid at all, not with dollars but with overvalued acres. Land bought from the government for a dollar and a quarter an acre was at once valued at ten or fifteen dollars an acre. The more a man bought, and the more he borrowed to pay for it, the richer he was. Bits of wild prairie, far removed from all means of easy access, were laid out, on paper, into town lots which sold for twenty dollars a lot. Railroads were projected and terminal sites planned and sold. What New Orleans and Mobile were to the cotton trade, that was Chicago to the town-lot business. Hither came by the hundreds men with beautifully drawn and colored maps of unbuilt towns and cities to meet thousands of other men eager to buy. Every vessel, it is said, that came to Chicago was crowded with eastern speculators. Such was the craze that the phantom town projectors actually invaded the East and sold their lots in New York and Boston.

Never in the history of our country prior to 1834 had the sale of public lands in any one year amounted to four million dollars; but the moment they became a source of speculation the receipts rose with astonishing rapidity to $4,887,000 in 1834, to 14,757,000 in 1835, and the next year exceeded $24,000,000, an amount greater than the sum total yielded by their sale in the thirteen years between the abolition of the credit system in 1820 and the beginning of speculative buying in 1834.

This vast sum consisted not of specie but of credit on the books of the five-and-thirty banks that held the government deposits. Their notes and those of other institutions which they saw fit to receive on deposit formed what was called land-office money, for nothing else, save specie and in some cases Virginia scrip, could be taken by the agents in exchange for public domain. Borrowed in all sorts of ways, on all sorts of security, land-office money was taken by the speculators to some Western land office, was there exchanged for land, and deposited as public revenue in some deposit bank; was lent again to speculators, was used again to buy land, once more came back to the deposit banks to swell the government credit, and so went round and round again and again, transferring hundreds of thousands of acres of land from the government to the speculators, and rolling up hundreds of thousands of dollars of credit for the government on the books of the deposit banks without adding one dollar to its available funds. Speculators, said Benton, go to the banks, borrow five, ten, fifty thousand dollars in small notes under twenty dollars, carry them off five hundred or a thousand miles, and then lay them out for public land. As public-land money they would circulate, and as many would never return to the bank of issue, and others not for a long time, the profit was considerable. Loaded with such paper the speculator would outbid settlers, and then hold the land at a higher price, which must be paid in real money. This he knew to be the cause of the great sales which were filling the Treasury with paper, flooding the new States with bank bills, injuring the settlers, and rolling up a surplus revenue. These manifold evils must be checked, and a proper check, he believed, was an act requiring those who purchased land to pay for it with gold or silver. But when he moved an instruction to the Committee on Public Lands to bring in such a bill the Senate laid the resolution on the table.

Congress, nevertheless, was not unmindful of the situation, and the Committee on Public Lands reported to the Senate a bill aimed at the combinations of individuals who, provided with land money borrowed from the banks, attended the land auctions, put down competition, monopolized the

sales, and then ousted settlers from their selected spots or forced them to buy at an advance and pay in real money. It was tabled because the provisions were thought inadequate; but assurances were given that the matter should be taken up at the next session. The House appointed a committee, which asked leave to sit during the recess and inquire into the connection of deposit banks with the land offices for the purpose of speculation in public lands, to find out to whom funds had been loaned by the banks and to what extent received in payment for public lands, and to report to what extent combinations had been formed to control legislative actions by Congress. Leave was not granted, and the two Houses having adjourned without acting, Jackson took up the question, and fully convinced that the enormous issue of bank facilities was the cause of these combinations, that the national domain was fast being turned into a fund for the redemption of bank paper, that fraud was widespread and corruption extending to the public lands, to the Treasury and to Congress, instructed the Secretary of the Treasury to issue what came to be known as the Specie Circular. This required receivers of public money and deposit banks to accept in payment of public land sold after the fifteenth day of August nothing but gold, silver or Virginia land scrip.

No hardship, it was explained by the Globe, could come of this order. Gold and silver were plentiful, were flowing into the country from all quarters, and were easy to be obtained. The new States would be relieved from the curse of land-office money; strange notes from distant banks, forced into circulation because they were received at the land offices, would cease to pass current; speculators, monopolizers, engrossers of public land would be reduced to their actual capital and put on a par with the humblest settler, and though the amount of land sold would be greatly reduced, the money paid for it would be better.

On the subject of Indian removal beyond the Mississippi the language of the message was most hopeful. A country west of Missouri and Arkansas had been set apart for them, had been divided into districts, and to each tribe a tract allotted far larger than it possessed in the East. Schools

and churches, council-houses and dwellings for the chiefs had been erected, mechanical arts introduced, and domestic animals, looms, spinning-wheels and farm utensils given them. From that territory all white settlers were excluded, and to it all tribes from Lake Michigan to Florida, save two small bands in Ohio and Indiana, and the Cherokees, had agreed to go.

But while the members of Congress were listening to this comfortable assurance, an attempt to remove a tribe pledged to go had, for the second time during Jackson's administration, brought on an Indian war. The first, which has come down to us under the name of the Black Hawk war, was short and of interest chiefly as another phase of the hopeless struggle of the red man with the white.

Among the Indian tribes that in 1831 occupied part of the territory now in Illinois were the Pottawatomies, who dwelt about the head waters of Lake Michigan, and the Sacs and Foxes, whose hunting-grounds lay between the Illinois and the Mississippi rivers. In 1804, by a treaty made with General Harrison at St. Louis, the Sacs and Foxes ceded their territory between the Illinois, the Wisconsin and the Mississippi rivers, but stipulated that until the land was sold by the United States they should have the privilege of hunting and living on it. Long before that time came, and while the edge of the frontier was still far to the eastward, squatters invaded the lands, sought to force the Indians to leave, and appeared most desirous to get possession of the ancient Indian town at the mouth of Rock River, to which the Sacs came every year to grow corn. In the war with Great Britain the Sacs of the Rock River country took sides with the British, and forced those not so disposed to seek a refuge in the Missouri Valley. With this part a treaty was made in 1815 binding them never to unite with the Sacs of Rock River and to stand by the treaty of 1804. The Rock River Sacs were next summoned to conclude a treaty of peace, but refused, continued their depredations for a year before their chiefs agreed to submit, and in 1816 signed a treaty binding them to recognize and confirm the treaty of 1804.

By this time that remarkable craze for migration to the

West had seized on the people of the seaboard; immigrants came by hundreds of thousands; Indiana and Illinois entered the Union as States; the country of the Rock River Sacs was surrounded by settlers, the longing for their lands became more intense than ever, and in the autumn of 1830, while the Indians were off on their winter hunt, the long-desired village at the mouth of Rock River was taken possession of by settlers and the old men and women driven away. When the Indians returned in the spring of 1831 and found their village in the hands of the whites and their women and children on the banks of the Mississippi, they vowed vengeance, and, led by Black Hawk and aided by some warriors from the Kickapoo and Pottawatomie nations, took possession of their old village, unroofed houses, threw down fences, destroyed grain, drove off cattle, and threatened the settlers with death if they remained.*

Here, in the opinion of Governor Reynolds of Illinois, was such an invasion of the State as gave him power to call out the militia, which he did. General Clark, Superintendent of Indian Affairs at St. Louis, and General Gaines, commander of the Western division of the army, were then called on to assist, and ten companies of regulars were soon on their way to Rock Island under Gaines.† On reaching the village a third of the Indians were easily persuaded to cross the Mississippi, but the rest declared they would never go,‡ and showed such willingness to fight that Gaines called on Governor Reynolds for militia, which early in July joined him at the mouth of Rock River. The militia marched along the bank, while Gaines and the regulars came up the river in a steamboat, till the Indian town was reached and found deserted. The whole band had crossed the Mississippi in the night. The few hundred bark lodges, all that remained of a once great Indian town that had occupied the site for many generations, were then given to the flames, and, this done, the troops started homeward.

Black Hawk and his chiefs then sought out General

* A History of Illinois from Its Commencement as a State in 1818 to 1847, by Thomas Ford, pp. 109–111.

† Niles's Register, Vol. XL, pp. 269, 335.

‡ Ibid., p. 409.

Gaines and made a treaty binding them never to cross the Mississippi without leave. But the next spring Black Hawk and his band returned and entered the villages of the Pottawatomies and Winnebagoes, in hope of making them allies. Again the militia took the field, and while waiting for the regulars to join them, burned the Prophet's Town in the Rock River country. Elated at this success, a little band of troops pushed on further, fell into an ambuscade, and fled from the field.* The Indians then rushed down on a settlement within fifteen miles of Ottawa, massacred near a score of men, women and children, and carried off two young women,† killed settlers wherever found, attacked Apple River Fort, within twelve miles of Galena, and scoured the country from Chicago to Galena, and from the Illinois River to Wisconsin.

Their success, however, was short lived, for, in June, they were beaten at a place called Kellogg's Grove, were followed and beaten again, in July, near the Wisconsin River, and on the bank of the Mississippi River, below the mouth of the Bad Axe River, from which the battle takes its name, the Indians were signally defeated. Black Hawk was taken prisoner, and with his son and a few chiefs was sent to Washington, and after a short confinement in Fortress Monroe returned to his people in 1833.‡

The second war, which had just opened, dragged on for seven years, cost millions of money, and taxed the skill of our ablest generals, was with the Seminoles of Florida. While that country was still a province of Spain, the presence in it of these Indians was a source of great annoyance to the planters of Georgia, because of the protection afforded to every slave who fled from his master and to every jailbird who escaped from the clutches of the law, and because of the constant thefts of horses, hogs and cattle from the planta-

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* Missouri Republican, May 22, 1832; Niles's Register, Vol. XLII, p. 274.

† Niles's Register, Vol. XLII, pp. 283, 353.

‡ Among the troops engaged in this war were many men whose names, little known then, have since become famous. Abraham Lincoln served in the ranks and became a captain. Robert Anderson, the defender of Sumter; Winfield Scott, Zachary Taylor, Albert Sidney Johnston, and Jefferson Davis served with the regulars.

tions. No sooner, therefore, was Florida delivered to us than a treaty was negotiated at Camp Moultrie in 1823 by which the Seminoles pledged themselves to do all they could to seize and deliver to the agent all runaway slaves and fugitives from justice. But the treaty in this respect was not executed. So many of both sorts of fugitives had married into the nation and become a part of it that the Seminoles were not at all disposed to surrender them.

The government meantime adopted the policy of removing the Indians across the Mississippi, and having applied it to the case of the Creeks, turned next to the Seminoles, and in May of 1832, at Payne's Landing, closed a removal treaty with fifteen chiefs of the nation. A commission of Indians was first to view the country reserved for the Seminoles in what is now Indian Territory, and should the land be satisfactory, and should the Creeks be willing to unite with the Seminoles, migration thither was to begin early in 1833 and be completed before 1835. The commission went, saw the land, reported favorably, and in March, 1833, a supplementary treaty was signed at Fort Gibson which bound the Seminoles to remove as soon as the government should make arrangements satisfactory to the Indians. The Senate at its next session consented to its ratification, and in April, 1834, the treaty was duly proclaimed in force, and in the autumn of that year General Wiley Thompson was appointed special agent. He assembled the chiefs, notified them that the agency at Fort King would close on the last day of December, that their lands would be surveyed and sold, that the laws of the white man would be extended over the country, that the sooner they left for the West the better, and that their great father the President would send them West by land or by water.

The fugitive slaves, who greatly feared the Creeks, used all their influence to prevent an execution of the treaty and removal of the Indians. Governor Duval as early as January, 1834, declared that the Seminoles could not be removed till the slaves were captured and taken from them, and Thompson, a year later, urged that troops be sent to capture the negroes. To his warning, therefore, that the time had

come to go West, the Seminole chiefs returned a firm refusal, fell back on the treaty of Fort Moultrie, asserted that by its terms they were to remain in Florida twenty years, that while the lands in the West were good, the Indians there were bad, that they wished to keep their families where they were, and, in short, declined to remove. Many indeed were quite willing to go, but a part, led by a half-breed Indian of much ability and authority, stood firm in their determination to remain. This chief was the son of a white man named Powell, and is called in the official reports by his father's name, but is far better known to us as Osceola.

When Cass was informed of the unexpected opposition Thompson was instructed that the demand of the Seminoles to remain must not be considered; that they must go, that troops would be used to compel them, and sent him a long talk from the President. Again a few chiefs were assembled and the talk read; again assurances were given that they must go, and again the Indians refused, but seemed not to be in an ill-humor. Deceived by this show of good-nature, General Clinch, in the spring of 1835, suggested that it would perhaps be well to suffer them to remain a year, provided a solemn promise was given to go peaceably on March first, 1836. Jackson agreed, for nothing, he said, was further from his wish than a desire to oppress the Seminoles. But go they must, and if no written agreement could be made binding them to remove by the spring of 1836, then force, if necessary, should be used.

The Seminoles meantime seemed to have yielded their objections, and arranged with Clinch and Thompson to go in a body during the coming winter, removal to begin, it was understood, about the middle of January, 1836. In the course of the summer of 1835 a few incidents occurred to interrupt the apparent good feeling of the chiefs; but nothing was thought of them, and so well did the Indians conceal their intentions that Clinch, Thompson and the agent were busy with a plan for beginning the removal when, about the middle of November, the startling news came that five chiefs friendly to emigration, with some five hundred of their people, had fled to Fort Brooke, on Tampa Bay, for protection, that another chief had been murdered, and that a large

number of Seminoles had left their homes and gone to parts unknown.

The immediate cause of the outbreak was a foul wrong done by order of Thompson to Osceola. The wife of this chief was the daughter of a negress who had escaped from slavery and found a home among the Seminoles. Under the slave code of those days the child of a slave mother was a slave though the father was a freeman. The wife of Osceola, therefore, was regarded as a slave by descent, and as such was seized while on a friendly visit to Fort King. For denouncing this outrage to Thompson, Osceola was put in irons, and a new incentive to seek revenge was added to many old ones. Bent on vengeance, the imprisoned chief feigned penitence, offered to sign an agreement to remove, was released, and not only signed himself, but became most useful to the agent in capturing escaped criminals who had sought refuge among the Miskosukees. No chief seemed better disposed toward the government till, suddenly, in November, Osceola put himself at the head of the disaffected, killed a chief friendly to removal, and opened a war of extermination.

Well aware of their fate if taken, the Seminoles sought refuge in the swamps and everglades, whence they sallied forth to burn houses, plunder plantations, run off negro slaves, and attack small bodies of troops.

Late in December, 1835, an Indian runner brought word to Osceola that a body of troops under Major Dade was to leave Fort Brooke on the twenty-fifth and was to be attacked at the great Wahoo Swamp on the night of the twenty-seventh. The time to act had now come, and hiding himself, with a few companions, in the woods near Fort King, Osceola waited his chance to slay Thompson. On the twenty-eighth Thompson dined at the house of the sutler near the fort, and after dinner, while strolling about with Lieutenant Smith, fell with fourteen bullets in his body. Smith, too, was killed. Both were scalped, the inmates of the sutler's store massacred, and the house plundered and set on fire by Osceola and his band, who started at once for the fight at the Wahoo Swamp.

There Major Dade and his force arrived on the evening

of the twenty-seventh, and had not gone far from camp the next morning when he was attacked and, with all his men save three, was massacred. That night Osceola joined the Indian army.

With morning came word that General Clinch, with two hundred regulars, and General Call, with five hundred Florida volunteers, were advancing from Fort Drane toward the Withlacoochee River. Osceola and his Indians at once set off, and on the thirteenth of December met and attacked Clinch when the regulars were on one bank of the river and the volunteers on the other. The regulars closed with the Indians; but the volunteers fled at the first fire, and Clinch barely escaped defeat.

Bands of Indians and negroes now ravaged the country. All Florida east of the St. John's and south of St. Augustine was soon in their hands. New Smyrna was burned, the plantations round about destroyed, and scarce a house left standing between St. Augustine and Cape Florida. The people, in dismay, fled to St. Mary's, to Fort George, to St. Augustine, Tampa Bay and Jacksonville.

The governors of South Carolina, Georgia and Alabama were asked for troops, and these, with such regulars as were at Charleston and Savannah, were hurried to Florida; General Scott was sent to the seat of war, and General Gaines, who was at Pensacola, hastened to New Orleans, raised a corps of a thousand volunteers, marched to Fort King and thence to the Withlacoochee, where he ordered Clinch to join him for an attack on the Indians.

On reaching the river Gaines was attacked by Osceola, compelled to seek refuge behind a breastwork of logs, and there besieged, and ere Clinch arrived his men were reduced to the necessity of eating the horses. On the arrival of Clinch the Indians scattered, and the troops returned to Fort Brooke, whence Gaines went to New Orleans and Clinch to Fort Drane.

Scott's conduct of the war was so lacking in energy that he was recalled and General Jessup put in command; but in the interval between the departure of Scott and the arrival of Jessup the command devolved on General Call. The

Indians now attacked the stockade at Micanopy, forced Clinch to abandon Fort Drane, and took possession, but were soon driven out by Major Pearce.

General Call, having been reinforced by twelve hundred Tennessee militia, some Florida troops and several hundred Creek warriors, marched to the Withlacoochee in September, and finding the river too deep to ford, went back to Fort Drane without firing a gun. There he found Major Pearce with a few hundred regulars, and, taking with him about a thousand men, General Call set out in November for the great Wahoo Swamp, an extensive morass, covered partly by water and partly by thick underbrush and bushes. Pushing into this, the troops, standing at times in water up to their waists, attacked the Indians hotly, and finally drove them across the river, which the troops were unable to cross. The army then retired to Volusia, where in December General Jesup assumed command.

CHAPTER LXIII.

SPECULATION AND THE SURPLUS.

The existence of the surplus must be ascribed to the many causes which produced the wild spirit of speculation which swept over the land from 1834 to 1836. The removal of the deposits from the Bank of the United States to five-and-thirty State banks made borrowing easy; the payment of the national debt raised the credit of the country, and, coupled with high rates of interest, brought in more foreign capital; the multiplication of new banks, and the increase of the capital of many old ones, still further inflated the paper currency, just at the time when the granting of scores of railroad charters, the issue of State stocks for internal improvements, the prospective value of public lands to be crossed by such improvements, the growth of the cities and consequent demand for more and better homes, shops, and warehouses, afforded all sorts of objects well suited for speculation.

Under the influence of a wild desire to grow rich without the toil of labor, men of every trade and occupation forsook their usual pursuits, hastened to the exchange and the auction block, and there risked the savings of a lifetime, the hoardings of a few years of prosperity, or the wealth from a former generation on the chances of a day or an hour. Shopkeepers, small tradesmen, clerks, factory hands from town and country, farmers, members of the learned professions, students in law offices, mingled with speculators and capitalists to try their fortune and invest their funds with even more eagerness than in other days they had beset the lottery offices.*

All the world, said a Boston newspaper, is wild after

* Niles's Register, May 9, 1835.

timber lands. Canton stock and South Cove stock are taking the place of the lottery mania that once possessed the community. The stories of sudden riches made in speculations in the timber lands of Maine are leading industrious people to neglect their steady business with sure gains and run hazards which may make or mar them in a day. Canton stock consisted of shares in lots of filled-in land at Fells Point in Baltimore. The par value of each share was fifty dollars; but such was the craze to speculate in city real estate that shares sold readily at auction in Boston for two hundred and ten and two hundred and fifteen dollars each, and in New York city for two hundred and sixty.

The South Cove Company of Boston, a corporation whose object it was to enclose and fill "with earth the large tracts they are redeeming from the waters of the harbor," having secured the location of the Boston and Worcester Railroad on its made land, saw its stock rise from five hundred to seven hundred and fifty dollars a share. The prospect of the opening of three railroads, that to Lowell, that to Worcester, that to Providence, before the fourth of July, added to the craze for speculation in real estate, and plots of land brought prices that seemed fabulous.

A country estate on the Hudson River, ten miles from New York, was cut into one hundred and twenty-five city lots and sold for two hundred thousand dollars, and a lot on William Street, near Wall, brought fifty-one thousand dollars. Three estates at Hallett's Cove, each of twenty acres, brought ninety thousand dollars, or fifteen hundred dollars an acre. A large field at the same place was sold in lots at auction for four hundred dollars a lot. For an eight-acre farm on Long Island, two miles from Brooklyn, a purchaser paid one thousand dollars an acre, and a sixty-acre farm in Orange County was disposed of for twenty thousand dollars. Fifteen acres near Hell Gate were bought for fifty thousand dollars and quickly resold for one hundred and twenty thousand dollars. Two hundred and eighty-four lots at Rose Hill and nine hundred and twenty-seven at Bloomingdale, all on the outskirts of the city, were sold for six hundred and eighty-eight thousand dollars.

In Philadelphia, Lemon Hill, on the Schuylkill, brought one hundred and eighty thousand dollars; the site of the old Walnut Street Prison, two hundred and nineteen thousand five hundred and seventy-nine dollars, or one thousand one hundred and one dollars a square foot; the Arcade, one hundred and nineteen thousand dollars, and Masonic Hall, one hundred and ten thousand five hundred and fifty dollars.

An auction sale of one hundred and twenty-four lots in the east end of Baltimore yielded forty-three thousand three hundred and forty dollars, and thirty-four acres of land fifty-two thousand dollars, and a wharf lot nineteen thousand dollars.

What took place in the cities took place over all the country. Stories were current of the great fortunes made in the timber lands of Maine, how a township in one-mile sections, appraised by the State at forty-three thousand dollars, sold privately at Bangor for one hundred and eight thousand dollars; how a full township, purchased seven years before at twenty-five cents an acre, sold at twelve dollars an acre, yielding a profit of two hundred and fifteen thousand dollars; how another township of twenty-two thousand and forty acres, bought for seven thousand dollars, was sold at Bangor for ten dollars and then resold for twelve dollars an acre, thus producing two hundred and sixty-four thousand four hundred and eighty dollars, a sum greater by one hundred thousand dollars than Massachusetts, at the time of the separation of Maine, asked for her half of all the undivided wild lands in Maine.

In Chicago, whose population numbered four thousand, water lots, forty-five by two hundred feet, sold for seven thousand dollars each. Lots back from the water were worth four hundred dollars. The town in 1835 was said to be crowded with speculators in public land, the sales of which in the month of June amounted to nearly five hundred thousand dollars. In the same month, at Quincy, Illinois, in the smallest land district in the State, two hundred thousand dollars was received at the land office. Fifty lots in Detroit brought fifty-eight thousand dollars; a part of a farm, for which Secretary Cass paid twelve thousand dollars, sold for one hun-

dred thousand dollars. Between May and October the land office at Detroit received six hundred and fifty thousand dollars from the sale of public lands. Land in Buffalo, purchased in 1815 for forty dollars' worth of candles, sold, it was said, in 1835 for two million. A projected canal at Utica caused such a speculation in real estate that eleven acres of wharf lots brought one million dollars. Land in Dunkirk, on Lake Erie, thirty miles from Buffalo, sold easily for four thousand dollars an acre. Thirty-seven acres at Dayton brought seven hundred dollars each. The discovery of marl-beds raised the value of farms at Freehold, New Jersey, from ten to one hundred dollars an acre. To sell at auction, in one day, real estate to the value of three hundred thousand dollars became a common occurrence in the large cities.

One hundred and fifteen acres near Louisville, which twenty years before cost six hundred and seventy-five dollars, sold in 1835 for two hundred and seventy-five thousand dollars. Two hundred acres in Wheeling sold for thirty-seven thousand dollars, and was at once laid out in lots.

With this wild speculation in lands and houses went another, just as reckless, in stocks. "Bulls" and "Bears," "cornering," "on time," became terms familiar to the public. Again and again the press denounced the mania for gambling in stocks as highly immoral and injurious to the youth of the day. What is the difference, it was asked, between contracting to buy and receive at a future day stock which the buyer knows the seller cannot deliver because the purchaser in combination with others has cornered the stock in question—what is the difference between this and playing with loaded dice against ordinary dice? In what respect is it better than sheep stealing?

At a public meeting held at Philadelphia to consider the "system of gambling in stocks," a resolution was adopted denouncing the practice as harmful to business, trade and commerce, by causing frequent and serious agitation in the money market and blunting the moral sense of young men, and a committee was appointed to suggest remedies and report at a future meeting. Instances were cited of bank clerks who had misused funds, of tradesmen who had been ruined,

and of young men of means who had lost their all in the wild desire to become suddenly rich. But all to no avail.

One cause of the evil was the abundance of money seeking investment. The payment of the national debt had set free a large amount of foreign capital. The high credit of the United States and the great number of corporations, canals, railroads, banks and industrial enterprises of many sorts and the rapid issue of State stocks brought over yet more money from abroad. Prior to 1833 the annual import of specie from Great Britain was about one hundred thousand dollars. In the course of the next three years almost nine millions in specie came from Great Britain and not fifty-two thousand dollars went back. From 1830 to 1837 the amount of gold and silver coin imported from all parts of the world exceeded that exported by nearly forty-five million dollars. But, above all, the enormous increase of State bank capital and the issue of millions of bank notes by scores of new banks put bank accommodation within the reach of every greedy speculator. During 1836 New York chartered eighteen banks, Massachusetts incorporated or increased the capital of fifty-six, Pennsylvania eleven, and Maryland, during 1835, ten. When Jackson began his first term as President there were three hundred and thirty State banks in existence. Refusal to recharter the Bank of the United States brought on a scramble for its business and raised the number to five hundred and seven. Removal of the deposits and the wild mania for speculation which followed added one hundred and seventy more, and on December first, 1836, six hundred and seventy-seven were flooding the country with paper money, stocks and discounts. Banking capital in 1830 was, in round numbers, one hundred and ten millions; * loans and discounts two hundred millions; and note circulation sixty-one millions. But such had been the rage for banking that seven years later the capital was three hundred and seventy-eight millions,† loans and discounts four hundred and fifty-seven millions, and the notes in circulation one hundred and forty millions.

* Report of the Committee of Ways and Means.

† Letter from the Secretary of the Treasury, January 4, 1837.

In banking capital Louisiana led with fifty-six millions, of which thirty-three was paid in, then New York with thirty-one, Massachusetts with twenty-nine, Pennsylvania with seventeen, Mississippi with twelve, and Kentucky with eleven. Rhode Island with a population of ninety-seven thousand had sixty banks with a total capital of eight millions, Maryland had eight millions, Connecticut had seven millions, New Jersey six, and Maine and Michigan each nearly three millions. State banks chartered in the early months of 1836 had inflated the banking capital by eighty millions.

As the inflation of the currency went on, labor, fuel, food, rent, all prices rose to figures never before known save in war times. To import grain became so profitable that three cargoes of rye, wheat and oats from Europe reached New York City in February of 1836; another cargo of wheat, oats and flour arrived in March; another of wheat in May, and not a little wheat came into western New York from Canada. Three thousand sacks of oats reached Boston from Liverpool. Before the year closed flour was selling in New York at eight dollars and sixty-two cents a barrel. Eighteen pence a pound, it was said, is asked for choice cuts of beef, two dollars for a good turkey, eighteen pence a pound for North River bass —and this a land of plenty! Oak wood for fuel cost sixteen dollars and a half a cord at New York in March and twenty in Philadelphia. Flour in Cincinnati sold at fifteen dollars a barrel, and salt at ten dollars a sack. Pork running wild in the streets of towns was worth seven dollars a hundred in Kentucky and Mississippi, and wheat from two to three dollars a bushel. Pork at Chicago sold for twenty-five dollars a barrel. There were two causes for this state of affairs, it was said. During the last five years planters in the States along the Atlantic coast and in the South had turned their attention almost exclusively to the cultivation of cotton, rice and tobacco. Meantime population had been pouring into the Western States to an almost incredible amount, raising the demand for grain, live stock and provisions in the Ohio Valley States, where they are most abundantly produced, and when to this was added the demands of the planters of the South, the supply proved inadequate and prices rose.

By mid-year the price of money rose rapidly. That the surplus would be distributed was certain, but in just what manner the deposits would be drawn from the banks was not certain, and the deposit banks, in alarm, curtailed loans and discounts. The other banks followed their example, and in Baltimore, Philadelphia, and New York money became hard to get at any price. The outbreak of war in Texas having cut off the supply of gold and silver from Mexico, the banking houses of New Orleans were forced to protect what little specie they held. The high price of produce in Havana, the abundant crops of sugar and coffee in Cuba, and the poor sugar crop in Louisiana changed the balance of trade, and put such a premium on sterling bills that remittances to Havana were made in specie. In April, money in New York brought two and a half per cent. a month, and in some cases two per cent. a day, a condition attributed to the immense amount of government surplus locked up in the banks, of which a large part was withheld from circulation; to the raging mania for wild speculation and overtrading, and to the necessity which the inflated state of the currency imposed on the deposit banks of reducing loans and calling for regular settlement and payment of balances in specie. Everywhere the country over, all signs pointed to a panic at no distant day.

Next to catch the craze for speculation were the Western States, which one by one borrowed money with reckless extravagance, loaded themselves with debt far beyond their ability to pay, and wasted their borrowed funds on railroads and canals that could scarcely have been self-supporting in thickly settled communities.

For this the example of the great States was largely responsible. New York had eleven railroads whose combined length was two hundred and thirty-three miles, and a canal system that yielded in tolls more than sixteen hundred thousand dollars a year, and had added millions to the assessed valuation of the farms along their routes. Pennsylvania in the course of ten years had incurred a debt of twenty-four millions, chiefly for internal improvements, owned six hundred miles of canal and one hundred and twenty of railroad,

and had received during 1835 nearly seven hundred thousand dollars in tolls.

As planned, the Commonwealth was to build the railroads, but furnish neither cars nor motive power. Any citizen might use his own vehicles, provided toll was paid to the State for the use of the rails. At first, therefore, individuals and firms engaged in the business of transportation, provided their own cars and horses, employed their own drivers, and charged such rates as competition and the tolls exacted by the State would permit. The result was dire confusion. The road from Philadelphia to Columbia was a single-track affair, with turnouts to enable cars going in opposite directions to pass each other. But it often happened, as the curves were many and sharp, that teamsters did not see each other till they came face to face on the track between two turnouts. Who should go back would then become a question not always settled peaceably.

In the hope of preventing such quarrels and delays, a post was put half-way between each pair of turnouts, and the rule made that when two cars met the one which had passed the post should have the right of way. But the drivers were a rough set, paid no heed to the posts or the rules, and in despair the commissioners ordered a second track to be laid from Philadelphia to Columbia. Toward the close of 1834 this improvement was completed, and then for the first time two locomotives, dragging long trains of little cars, ran over the line from Lancaster to Philadelphia. The next year a third locomotive made its appearance, and from that hour the horse as a motive power was doomed. Opposition to the use of steam was strong. Locomotives would ruin the farming interests, hens would cease to lay, cows would no longer give milk, rates of insurance on houses and barns would rise, and hundreds of teamsters would be put out of employment. But it was so clear that both horses and steam could not be used at the same time on the road, and the engineer insisted so strongly on the use of steam, that the commissioners, in 1836, excluded the horse, supplied locomotives, and charged toll for moving the cars of shipping firms or individuals.

It was then the custom for travelers going west from

Philadelphia to leave their names and addresses with the agent of some transportation line the day before departure, in order that the " bus " which went the rounds of the city early every morning should call for and carry them and their baggage to the depot. Once there, the passengers were hurried into the cars which were coupled in pairs, their baggage was piled on the roofs, and the little trains were drawn by horses to the foot of an inclined plane on the west bank of the Schuylkill River near Belmont. Up this plane they were pulled by a stationary engine and rope, and when all were at the top the train of ten or a dozen cars was attached to a little puffing, wheezing locomotive without a cab, without a brake, and whose tall stack sent forth volumes of smoke mingled with red-hot cinders. But this was nothing to what happened when the train, rolling along at a rate of nine miles an hour, crossed a bridge. In those days the floors and trusses of such structures were protected by roofing them over and boarding up the sides almost to the eaves. To raise the roof so high above the rail that the tall stack of the locomotive might pass under would have been costly. The stacks, therefore, were jointed, and when crossing a bridge the upper half was dropped down and the whole train was enveloped in a cloud of smoke and live cinders.

A ride of five or more hours, according as the rails were dry or wet, brought the travelers to Lancaster, where they spent the night, and at four the next morning were up and ready to go on. No necessity existed for so early a start, for the distance from Lancaster to Columbia was but twelve miles, and the travelers could not leave Columbia till four in the afternoon. But, as they had been fed and sheltered at the hotel at Lancaster, it seemed fair that the Red Lion at Columbia should have them at breakfast and dinner.

At Columbia the railroad ended and the canal began, and there, every week-day about four in the afternoon, a few blasts on a horn gave warning that the packet was ready to start. The canal wound along the east bank of the Susquehanna to a point opposite the mouth of the Juniata, crossed by an aqueduct to the west shore, and went up the valley of the Juniata through most beautiful scenery to Hollidaysburg

at the foot of the Alleghany Mountains. There canal navigation ended, there the traveler spent the night of the second day after leaving Lancaster, and early the next morning began a journey, which none but the boldest ventured to take, over the portage railroad. The cars were drawn by horses from Hollidaysburg some four miles to the foot of inclined plane No. 10. An endless rope passed up the middle of the right-hand track, around a series of great drums at the top, down the left-hand track and around other drums to the foot of the right-hand track. Made fast to this rope, the cars, two at a time, were pulled up the incline to level No. 10. Along this they were drawn by horses to the foot of incline No. 9, and by repetitions of these processes to the summit of level No. 6, which crossed the crest of the mountain.

The traveler was then fourteen hundred feet above the canal at Hollidaysburg, and was about to be lowered eleven hundred and seventy-one feet by another series of inclined planes and levels to the basin of the Western Canal at Johnstown. Level No. 2 was fourteen miles long, passed through wild and beautiful mountain scenery and the longest tunnel in the country. Another incline and another level, four miles long, brought the traveler to Johnstown. There a change was made from railroad cars to a canal packet boat, which passed down the valleys of the Kiskiminetas and the Alleghany to Pittsburg.

The completion of this great route of transportation to the West had been seriously felt by the merchants of Baltimore. Western buyers and Western trade were going to Philadelphia. If Maryland were to keep pace with her great neighbors she must enter on a system of extensive improvements. To Baltimore such a system was vital, and in the session of 1836 the matter was taken up in the legislature and reported on by the committee of ways and means.

The report was in substance a statement that Maryland was a small and central State surrounded by large and powerful communities, which had adopted certain financial and industrial policies from which she could not stand aloof if she wished to grow in commerce, wealth, and population.

New York, Philadelphia, and New Orleans, advancing with giant strides, were grasping at the great trade of the West and South. If Baltimore was to compete with them, if the trade and commerce of the West were not to be turned from her, better means of internal communication and more capital must be provided. As a slave-holding State Maryland had a common interest and a common sympathy with the South and the South with her; but if she was to share in the commerce of that region, more capital must be provided to enable her merchants to buy its agricultural products. If her population was to be held, her planters and farmers must be relieved from that depression of agricultural interests which was the cause of emigration. In many parts of the State, and particularly in the tidewater region, no exertion of individual enterprise had been able to prevent a steady shrinkage in the value of landed property due to a ceaseless stream of emigration which was sweeping away to the West the industrious poor.

As a remedy for these ills, the committee recommended a general system of internal improvements carried on by State aid; the chartering of more State banks, and the setting apart of a liberal sum of money to be loaned on real estate for fifty years.

The system of internal improvements, the report set forth, should consist of an east and west main line made up of the Chesapeake and Ohio Canal, the Baltimore and Ohio Railroad, the Baltimore and Port Deposit, the Wilmington and Susquehanna, the Oxford and Cecil County, and the New Castle and Frenchtown Railroads, with an extension of the Chesapeake and Ohio Canal to Baltimore and a canal from Baltimore to the Susquehanna.

Branching to the northward from this great main line should be the Baltimore and Susquehanna Railroad, the canal up the Susquehanna, and a railroad from Hagerstown to Chambersburg, Pennsylvania. Of these the first had already been completed.

Branching southward should be the railroad from Baltimore to Washington, with an extension to the Winchester Railroad; the proposed canal from Baltimore to Annapolis;

and a railroad from Elkton down the peninsula to the southern limits of Somerset and Worcester Counties. Toward the completion of such of these works as were under way, and the construction of the others, the committee recommended the appropriation of eight million dollars.

To aid the planters and farmers, it was further recommended that one million dollars be deposited in the treasury of the eastern, and a like sum in that of the western shore, to be distributed among the counties and loaned on landed security for fifty years at six per cent. per annum, to be used by the borrowers to drain marshes, buy manures, and plant mulberry trees as a basis of silk culture.

The ten million dollars needed to carry on these improvements should be borrowed in Europe on State stock redeemable at any time after fifty years. The stocks or bonds it was expected would sell at a premium of twenty-five per cent., so that the ten millions when sold would bring into the treasury twelve million five hundred thousand dollars. Part of the bonus was to be used to pay interest on the eight millions while the railroads and canals were building, and the rest turned into the loan-office fund for the planters.*

To the dismay of the friends of the scheme, the great improvement bill providing for all these enterprises was defeated in the legislature by one vote.† But no sooner was this known at Baltimore than a great meeting was called and a committee sent post-haste to Annapolis to implore the legislature, which was about to adjourn, not to do so with nothing done for internal improvements. In this they succeeded,‡ and before the legislature rose it agreed to meet again on the fourth Monday in May, to take into consideration "the important subject of internal improvement." At that session a bill authorizing a loan of eight millions in aid of the railroads and canals passed each branch by a handsome majority, and was made the occasion of a public dinner at Baltimore and much rejoicing throughout the State.

While the old and populous States might indulge in canal

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* Niles's Register, Vol. L, pp. 63–68, March 26, 1836.
† Ibid., p. 101. ‡ Ibid., p. 101.

digging and railroad building with some hope of success, it was folly for those on the frontier to think of such works. But the craze for internal improvements had seized on them, and Indiana, Illinois, and Michigan, not one of which had a population of five hundred thousand souls, where millions of acres were still owned by the Federal Government, where the farms were not yet half cleared, and where the mass of the people still lived in log cabins of their own construction, rushed wildly into schemes of improvement that quickly ended in failure and debt.

Indiana in the early months of 1836 provided for the construction of more than twelve hundred miles of railroad and canal, to cost upward of twenty million dollars, and authorized State stock to the amount of ten million dollars to be issued and sold abroad. The whole State south and east of the Wabash River * was to be improved. Indiana, it is true, was increasing in population at a wonderful rate. Between 1830 and 1840 the number of her people almost exactly doubled,† but a debt of ten million dollars in 1836 meant twenty dollars a head for each man, woman, and child in a community still in frontier condition. For this, however, the people cared nothing. Not only would the tolls and tariffs pay the interest and principal of the debt, but in the near future, it was confidently believed, they would yield such a sum as would meet the cost of government and render taxation unnecessary. Carried away by the delusion, the passage of a general improvement act was celebrated at Indianapolis with bonfires and illumination and with popular

* Three great canals were to be constructed. One was to go down the valley of the White Water River; a second, starting from some point on the Wabash and Erie Canal between Logansport and Fort Wayne, was to extend by way of Muncietown, Indianapolis, and the White River Valley to Evansville on the Ohio; the third, beginning on the Wabash and Erie Canal at the mouth of Tippecanoe Creek, was to pass down the Wabash Valley to Terre Haute, and thence to the Central Canal in the White Water Valley. There was to be a railroad across the State from Madison, on the Ohio, to Lafayette, on the Wabash; a macadamized road from New Albany, on the Ohio, to Vincennes; and a railroad or macadamized road from Jeffersonville to Crawfordsville. The Wabash was to be improved from its mouth to Vincennes.

† In 1830 her population was 343,031; and in 1840, 685,886.

rejoicing everywhere. Farms and land along the routes of the proposed canals and railroads rose in value at once, and all who could made haste to borrow and buy.

The system of internal improvement on which Illinois now entered was, if possible, wilder still. The State was in debt, her revenues were not sufficient to pay the ordinary cost of government, her school fund had been borrowed by the legislature and spent,* her population had of late been wonderfully increased, but was still less than four hundred thousand † and in no condition to bear the slightest increase of taxation. But the rage for speculation had done its work. The State map was dotted with phantom towns that had no existence save on paper, and all that was needed, in the opinion of the speculators and the people, to turn existing villages and cities and projected towns into villages, was such a system of railroads and canals as should develop the resources of the State, bring in more settlers, and attract foreign capital.

Allured by the prospect of sudden wealth, the people held meetings, adopted resolutions, and ended by sending delegates to a convention which met at Vandalia toward the close of 1836. There was devised a general system which was recommended to the legislature for adoption. Regarding this as an instruction from the people, the legislature at its winter session enacted laws necessary to carry it out, and plunged the State, while still a frontier community, into debt. Nine railroads were planned. A great central railroad was to pass through the heart of the State and join Cairo, at the mouth of the Ohio, with Galena in the far northwest corner.‡ Four more were to cut across the State, one from Quincy on the Mississippi to the Indiana boundary in the direction of Lafayette; from Alton, on the Mississippi, to Mount Carmel, on the Wabash; § from Alton to the

* The History of Illinois from its First Discovery and Settlement to the Present Time. Henry Brown, New York, 1844, p. 419.

† In 1830 the population was 157,445; in 1840 it was 476,183.

‡ From Cairo by way of Vandalia, Shelbyville, Bloomington, and Savannah to Galena.

§ Alton, Edwardsville, Carlyle, Salem, Fairfield, Albion, Mount Carmel.

Indiana line near Terre Haute, and from a point near Vincennes to a point opposite St. Louis. A sixth was to join Alton and Shawneetown, on the Ohio; a seventh, Warsaw, on the Mississippi, with Peoria, on the Illinois; an eighth was to extend from Bloomington to Pekin, and the ninth to connect Belleville and Lebanon with the Mount Carmel road.

Navigation of the Rock, Illinois, Kaskaskia, and the great and little Wabash rivers was to be improved, and the canal from Chicago to Peru, on the Illinois River, completed.

The great results expected from these improvements were fully stated in a report of a committee of the House of Representatives. The people, it was said, expected, nay, were anxious, for the construction of the proposed works. To build them was practical from every point of view. Not a dollar of additional tax need be assessed. Money for construction could be borrowed, and the interest, and in time the principal, could be paid from tolls, rents for use of water power, taxes on the increased value of lands, from profits on the sale of land to be entered by the State along the railroads, from the net profits from bank and other stocks owned by the State, and from a part of the surplus soon to be received from the United States.

Eager as the people were said to be for a system of internal improvements, an unusual amount of bargaining, lobbying, and log-rolling was done before the bill passed. Counties through which none of the contemplated roads were to go were pacified by an appropriation of two hundred thousand dollars to be distributed among them. Delegates from about Alton were not appeased till that town was made the terminus of three railroads, which it was expected would make it the rival of St. Louis in commercial importance. The support of the nine delegates from Sangamon County, the "long nine," of whom Abraham Lincoln was one, was secured by the removal of the State capital from Vandalia to Springfield.* The Governor and council of revision returned the bill; but the legislature passed it over the veto, and on July fourth, 1837, work began.

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* A History of Illinois from its Commencement as a State in 1818 to 1847, p. 187.

The law provided that twelve million dollars, or about thirty-five dollars a head for each inhabitant of the State, should be raised by a loan. A board of fund commissioners was established to negotiate the loan of eight millions for railroad building, and to the board of canal commissioners already existing was assigned the duty of raising four millions for the construction of the Chicago Canal. Seven boards of commissioners of public works, one for each judicial district, were to superintend construction. Work was to begin simultaneously on all roads, and at both ends of each road and wherever it crossed a river.

Wilder still was the scheme of Michigan. Fifteen years of growth and prosperity had turned the heads of her people. From a little frontier territory in 1821, with but one good-sized town, one newspaper, and a population of eighty-seven hundred, she had grown to be a State in 1836 with a population of over one hundred thousand. Aware of what the Erie Canal had done for New York and for the whole region of country bordering on Lake Erie, the framers of her constitution had inserted a provision requiring that "internal improvements shall be encouraged by the government of this State," and that "it shall be the duty of the legislature as soon as may be to make provision by law for ascertaining the proper objects of improvements in relation to roads, canals, and navigable waters."

Urged by the Governor, the first legislation under the Constitution took up the task and authorized the construction of costly internal improvements. Three railroads were to cross the State, joining towns on the eastern shore with places on Lake Michigan; routes for canals were to be surveyed, and five million dollars were to be borrowed on bonds bearing five per cent. interest. None were to be sold for less than par, and were to be paid interest and principal from a sinking fund composed of all proceeds of railroads and canals, dividends on bank stock then or thereafter owned by the State, and interest on all loans made from the internal improvement fund. To this fund was next loaned the share which Michigan was to receive of the surplus.

The deposit act required that each State should author-

ize its treasurer, or other competent person, to receive the money, sign such certificate of deposit as the Secretary of the Treasury should prescribe, and pledge the faith of the State to return the money whenever required in accordance with the provisions of the act. Should a State decline to receive the quota assigned it, the share of that State was to be divided among those that did accept.

In obedience to this provision the States began to act, and before the end of the year sixteen passed laws providing for the acceptance of their shares,* seven others did so during January, 1837,† and one each in the months of February, March, and May.‡ In some cases extra sessions were called, and long disputes arose over the acceptance of the money on any terms. In New Hampshire a minority report gave reasons why the share of that State should be declined, and presented a resolution declaring distribution of the surplus to be unconstitutional, and dangerous to the liberties of the people. Virginia, in the preamble of her act of acceptance, declared that she had always considered any system of Federal taxation which produced more revenue than needed for the wants of government economically administered, to be unjust; that she denied the right of Congress to raise revenue for purposes of distribution or deposit among the States; and that nothing but the belief that the surplus had arisen under extraordinary circumstances, not likely to continue, and that the act of Congress was merely intended to relieve an overflowing treasury, induced her to receive a share.§ In Georgia the Governor in his message regarded the deposits as donations to the States, as a sop thrown out by the beneficiaries of the tariff to conciliate the complaining States, declared that Georgia had ample resources of her own, was too proud to become a beneficiary of the Federal Govern-

* Tennessee in October; Arkansas, New Jersey, Rhode Island, and Vermont in November; Alabama, Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, Ohio, Pennsylvania, South Carolina, and Virginia in December, 1836.

† Delaware, Maine, Massachusetts, Michigan, New Hampshire, New York, North Carolina, in January, 1837.

‡ Missouri in February, 1837; Louisiana in March; Mississippi in May.

§ Acts of the General Assembly of Virginia, Chapter III, 1836–1837.

ment, and should protest and call for a reduction of the tariff. Nevertheless he urged the acceptance of the money, because a refusal would not stop the operation of the law, but would increase the shares of other States.* The legislature took the advice, and declared that nothing but the provision that refusal would give the share of Georgia to other States induced her to accept it.

The most difficult question to settle was that of the use to be made of the deposits. On this the people, the governors, and the legislatures in many cases were seriously divided. That the money was really a deposit, and not a gift, that the Secretary of the Treasury under any circumstances would ever call for its return was not generally believed by the people. In New England, therefore, the popular sentiment set strongly in favor of a per capita distribution, or at least a distribution among the towns on the basis of population, the towns to determine how the money should be spent.

Maine ordered her share to be deposited with the cities, towns, and plantations on the basis of population to be determined by a new census. A town might loan its share or use it for any purpose for which it could use money derived from taxation, might leave it in the hands of the State and draw interest, or could refuse to receive it, in which case the interest was to be a subject of future legislation. On sixty days' notice the money must be returned.† What was done by the towns is difficult to find out. Biddeford voted to distribute her share among the inhabitants according to families. This was contrary to law, and when the authorities refused to obey and a suit was brought by an inhabitant for his share, the court decided that it could not be so distributed.‡ A year later, therefore, the legislature released the towns from all obligation to return the money and authorized a per capita distribution.§

Governor Hill of New Hampshire urged the legislature to loan the State's quota and use the interest to pay the

* Niles's Register, November 26, 1836, Vol. V, p. 207.

† Laws of Maine, March 8, 1837.

‡ 2 Shipley in 14 Maine, pp. 375–382.

§ Laws of Maine, February 28, 1838.

expenses of government.* The money, in his opinion, belonged to the State; in the opinion of the legislature it belonged to the people, and laying aside all other business, that body entered on a long wrangle which consumed more time than an ordinary session before the decision was reached to distribute it among the towns, to be loaned, not spent, and subject to recall should the United States ever demand it.† They were next empowered to use the loan for any purpose for which they could lawfully levy taxes,‡ and finally were authorized to make such disposition of it as a majority vote of the town should determine.§ Most of the towns used it for school purposes. In Portsmouth it was distributed per capita among the inhabitants. In Guilford the selectmen, having spent part of the town's share, were ordered by a town meeting to borrow enough to make good the deficiency that the whole might be given to the people. This they refused to do.

Vermont divided her quota among the towns on the basis of population; to be loaned at six per cent. interest and the income used to support schools. Should a town not need the money for such purpose it might be spent as the town ordered.

Massachusetts, by a resolve of April, 1836, before the deposit act passed Congress, had authorized the Treasurer to receive her share. But when the Governor asked for it the Secretary of the Treasury denied that the resolve met the requirements of the law.‖ The Attorney-General was called on for an opinion, and upheld the views of the Secretary and the Governor, who in his message recommended new legislation. It was January, 1837, therefore, before the deposit was accepted,¶ and March when the distribution law was passed.** The first and second instalments were to go to

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* Globe, December 3, 1836.

† Laws of New Hampshire, January 13, 1837.

‡ Ibid., Act of July 4, 1838.

§ Ibid., Act of July 2, 1841.

‖ Massachusetts resolves, 1836; Chapter LVIII, April 9, 1836.

¶ Laws of Massachusetts, January 19, 1837.

** Laws of Massachusetts. Passed March 21, 1837.

the towns on the basis of population as shown by the census of 1830; the third and fourth on the basis of a census to be taken May first, 1837. Twenty-five hundred dollars were to be reserved and the interest used to support schools among the Marshpee, Chappequiddick, and Christiantown, Gay Head and Herring Pond Indians. The towns were held responsible for a return of the money if it was called for, but might use their shares, or the interest on them, for any purpose for which money could be raised by taxation.

Rhode Island deposited her money in the State banks at five per cent. interest, and apportioned the money among the towns for school purposes. The Governor of Connecticut called a special session of the legislature in December of 1836 to consider the acceptance and use of the surplus. A leading Whig journal opposed the application of the fund to school purposes or to internal improvements, or its distribution among the towns with authority to spend the interest, but not the principal. The money should be loaned and the interest applied to reduction of the State tax. Everybody would then get some benefit. The Senate at one time proposed to use the interest of the fund for education or support of town paupers. The Governor suggested that the school commissioners loan it on mortgages and turn over the interest to the school fund. The law as enacted deposited the money with the towns strictly as a deposit, authorized them to loan the money at legal rate of interest, and spend one-half the annual income on schools and one-half for ordinary town expenses.

Governor Marcy of New York urged the legislature to invest the four millions coming to the State, use a part of the interest for the support of common schools and academies, and add the remainder to the common-school fund. The suggestion was good, was carried out by the legislature,* and an act passed apportioning the money among the counties

* One hundred and ten thousand dollars of the yearly income was to be divided among such school districts as maintained a school during four months of the year; fifty-five thousand for three years was to be used to buy school libraries; twenty-eight thousand was to be added each year to the library fund for academies, and the rest turned into the common-school fund.

according to population, to be loaned on real estate at seven per cent. interest.*

New Jersey divided her share among the counties in the ratio of the State tax paid by them, pledged each county to return the money when required, authorized the boards of chosen freeholders to loan the money on bond and mortgage, and bade them pay the interest to the townships, which might use it "for the benefit of said townships." †

Pennsylvania was to receive more than two million eight hundred thousand dollars. Her Governor recommended that her quotas, as paid, should be used to discharge the State debt; but some was appropriated for school-houses and education, most of it for internal improvements and payment of the debt, and by 1840 all had disappeared. Delaware invested her money in bank stocks, and in railroad bonds and loans, divided the income among her three counties for school purposes, and still has her investment, much increased in value.‡

Maryland used three-quarters of a million of her share to pay interest on her debt, deposited the rest in State banks willing to pay five per cent. interest, divided the income among the counties and Baltimore for the support of common schools,§ and finally used the principal to pay the State debt, and charged her treasury with the interest.

Virginia invested her portion of the surplus in bank stocks.‖ North Carolina spent some of hers to redeem the public debt, some for bank stock, some for draining swamp lands, some for contingent expenses, and added the rest to her fund for internal improvement, and set apart the interest for

* The property mortgaged must be worth twice the sum lent. Outside of New York not more than $2,000, nor less than $200, could be loaned on any one piece of real estate. In New York city the limits were $5,000 and $500.—Laws of the State of New York, 60th Session, Chapter II, January 10, 1837, and Chapter CL, April 4, 1837.

† Acts of the 61st General Assembly of the State of New Jersey. Act of November 4, 1836, and Act of March 10, 1837.

‡ Laws of the State of Delaware, Chapter CXXVII, February 21, 1837. Also Chapter XLVII, January 16, 1837.

§ Laws of Maryland, Chapter CCXX, March 18, 1837.

‖ Acts of the General Assembly of Virginia, Chapter III, December 20, 1836.

the use of schools. South Carolina bought stock in a railroad and reserved the interest for public purposes. Georgia deposited her share in the Central Bank of Georgia to be used as banking capital, and ordered one-third of the annual interest to be paid to the common-school fund and used two-thirds for State expenses. Alabama put hers in the State Bank and its branches, and used the interest for school purposes. Mississippi, it is probable, spent her quota on internal improvements and State expenses. Louisiana spent more than three-fourths of her portion in payment of her floating debt, and subscription to the stock of a canal company, and appropriated the rest for education.*

The share of Ohio was deposited with the counties in proportion to the male population of full age, to be loaned, and the interest used to support schools. Indiana invested one-half in bank stock and deposited the other with the counties on the basis of taxable polls, and required the counties to pay the interest to the school commissioners. In Illinois

* STATE.	SHARE DUE.	SHARE RECEIVED.
Alabama	$892,115.71	$669,086.79
Arkansas	382,335.31	286,751.49
Connecticut	1,019,560.81	764,670.60
Delaware	382,335.31	286,751.49
Georgia	1,401,896.12	1,051,422.09
Illinois	637,225.51	477,919.14
Indiana	1,147,005.90	860,254.44
Kentucky	1,911,676.53	1,433,757.39
Louisiana	637,225.51	477,919.14
Maine	1,274,451.02	955,838.25
Maryland	1,274,451.02	955,838.25
Massachusetts	1,784,231.43	1,338,173.58
Michigan	382,335.30	286,751.49
Mississippi	509,780.41	382,335.30
Missouri	509,780.41	382,335.30
New Hampshire	892,115.71	669,086.79
New Jersey	1,019,560.82	764,679.60
New York	5,352,694.28	4,014,520.71
North Carolina	1,911,676.53	1,433,757.39
Ohio	2,676,347.10	2,077,260.34
Pennsylvania	3,823,353.00	2,867,514.78
Rhode Island	509,780.41	382,335.30
South Carolina	1,401,896.12	1,051,422.09
Tennessee	1,911,676.53	1,433,757,39
Vermont	892,115.71	669,086.79
Virginia	2,931,334.30	2,198,427.94

the money was wasted on internal improvements. In Michigan it went for State expenses and internal improvements. In Kentucky, Tennessee, Missouri, and Arkansas it became State bank capital and the interest reserved for the support of schools. Such were the uses the States intended to make of the surplus revenue distributed in 1837. But the purposes of very few of them were ever realized. Banks failed, internal improvement schemes came to naught, the civil war brought disaster, and in many States where a share of the surplus seems still to exist it is in reality a mere fiction, and the interest is paid with money raised by taxation.*

The work of removing the deposits began with the passage of the law. Section one ordered that no bank should have on deposit a sum of public money greater than three-fourths of its paid-in capital, and that no excess should be suffered to stay longer than was necessary to enable the Secretary to transfer it to the nearest deposit bank he considered safe and sound. In attempting to comply with this provision the Secretary was met by an unforeseen difficulty. Suppose there were not in the State enough safe and secure banks to receive the accumulated surplus on these terms, might he send the excess out of the State? To remove all doubt, a bill was introduced and hurried through Congress, and leave given to the Secretary to transfer money from the banks of one State or Territory to those of another in order to comply with the requirements of distribution.

The excess thus to be distributed amounted in round numbers to eighteen million three hundred dollars, and in moving it from bank to bank the Secretary endeavored to take it from States where the public money on deposit was greater than their shares of the surplus, and put it in those where the deposits were less. But in this his expectations were not wholly realized, and in December, 1836, there were sixteen States in each of which there was less public money than it was to receive, and eleven million dollars still re-

* The whole story of the distribution and use of the surplus revenue is fully and carefully told by Prof. E. G. Bourne in his History of the Surplus Revenue of 1837, a book to which I am much indebted.

mained to be moved from the States where there was an excess to those in which there was a deficit.

The surplus during the summer grew with great rapidity. From thirty-three million seven hundred thousand in March, it swelled to over forty-two and a half millions by December first, and to over forty-six and a half millions by the first of October. But the specie circular which went into effect on August fifteenth checked this rapid growth, and, though the public land sales were still very great, the surplus in the Treasury on the first of January, 1837, was reported by the Secretary to be $42,468,859.97. Five million of this was to remain in the Treasury. The rest yielded for each electoral vote $127,445.10. Twelve States by that time had signified their acceptance of the deposit, and to them the first quarter of their shares was paid as rapidly as possible.

CHAPTER LXIV.

THE END OF JACKSON'S TERM.

When Congress adjourned on July fourth, the presidential campaign, which had long been under way, was fast drawing to a close. In December, 1834, a majority of the members of the House of Representatives from Tennessee invited Senator Hugh L. White of that State to become a candidate for the presidency and opened the canvass in earnest. White replied that never at any time in his life had he wished to be President, never had he uttered a word or done an act for the purpose of inducing any man to think him fit for that high office. Having had no part in causing his name to be used, he would not be justified in directing the use of it to be discontinued. This was rightly considered an acceptance, and the fact was then announced in a letter to the editor of the Knoxville Register, and the press promptly endorsed him. The Sons of Tennessee, it was said, go for Hugh L. White without a division. Van Buren never was their favorite. Unaided by the influence of Jackson's name he never would have been thought of for a moment. White was the choice, not of a packed jury dignified by the name of a national convention, but of a free and enlightened people.

A campaign newspaper named The Appeal was next started at Washington in the interest of Judge White. This paper, said the editor, is so called because it appeals to the people of the United States, and denies the right of a few office holders and office seekers to control the destiny of the republic. The people of Tennessee have placed Hugh L. White in nomination for the presidency. The office holders

have long had another individual in training and propose that their national convention shall put him in nomination. We are opposed to Mr. Van Buren because the tendency of the New York school of politicians is to divide the spoils of victory, and distribute them as rewards of party service. "Do not split the party," is the cry of the office holders. They even go so far as to say they will support Judge White if nominated by the convention. But that convention is to be held for the very purpose of not nominating Judge White. What is the use of referring the question of choosing a president to the people at all, if the convention is to decide for whom the people shall vote? General Jackson was a man of the people. So is Judge White a man of the people, nominated by the people, and we expect he will be elected by the people.*

Meantime the anti-Van Buren members of the Ohio legislature, and citizens from various parts of the State who happened to be in Columbus, met and named Judge John McLean; and the Senate and House of Alabama in legislative session endorsed Judge White. The dissenting minority of the House declared they were not opposed to the judge but were opposed to caucusing, believed a nomination at that time premature, and asked leave to spread their reasons on the journal.†

In Mississippi a convention named Van Buren and Benton, who promptly declined. In Massachusetts a caucus of members of the legislature unanimously named Daniel Webster. He was nominated not as a citizen of Massachusetts but as a citizen of "our country, our whole country, and nothing but our country," a man just and impartial in his regard for the rights of the East and the West, the North and the South; an American in thought, word, and deed, a firm, zealous, and eloquent defender of the Constitution "under which we live." ‡

A mass meeting at the Court House of Dauphin County, Pennsylvania, named William Henry Harrison and raised

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* The Appeal, February 7, 1835.

† United States Gazette, January 26, 1835. ‡ Ibid.

the cry, "Huzza for Tippecanoe"; * but his selection as yet found little support. When the Democratic State Convention met at Harrisburg in March, it chose an electoral ticket and delegates to the national convention and instructed them for Van Buren. A great meeting at Faneuil Hall in Boston formally endorsed Webster.

The Democratic National Convention suggested by New Jersey, and endorsed by the legislative caucus of New York, met in Baltimore late in May.† That Van Buren would be chosen was certain, and no surprise was occasioned when the chairman announced that each of the one-and-twenty States present had cast its vote for the vice-president.‡ The great struggle was over the vice-president, for a large minority was determined not to accept Jackson's candidate, R. M. Johnson, of Kentucky. Indeed, a member from New York was sent to Washington to ask Jackson's permission to nominate some one else; but he came back with imperative orders to support Johnson, who on the first ballot received 178 votes to 87 for Rives. A Virginian then announced that his State would not support Johnson for the vice-presidency, that she had gone as far as she could in voting for Van Buren, and would go no further, and on this issue the party split.

Five candidates had now in one way or another been

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* A canvass made early in February gave to

Webster,	White,	Van Buren,
Vermont,	Virginia,	Maine,
Massachusetts,	North Carolina,	New Hampshire,
Rhode Island,	South Carolina,	New York,
Connecticut,	Georgia,	New Jersey,
Delaware,	Tennessee,	Pennsylvania,
Maryland,	Alabama,	Missouri.
Ohio,	Mississippi,	
Kentucky,	Louisiana.	
Indiana,		
Illinois.		

† Each State in those days sent as many delegates as it pleased. Thus, Maryland had 183; New York, 42; Tennessee, 1; Connecticut, 6; Louisiana, 3. The vote cast by each State was the same as its electoral vote, and two-thirds of all cast was necessary to a choice. Men from Michigan and Arkansas attended but did not vote.

‡ South Carolina, Alabama, and Illinois were not represented.

placed before the people. Ere the summer ended, however, McLean formally withdrew, and it became quite certain that neither Webster nor White was the real choice of the opposition. Whigs at Bangor, Boston, Pittsburg, and New York did, indeed, endorse Webster; but all signs pointed to Harrison as the choice of the Whigs. Old soldiers in Kentucky invited him to attend a dinner on the anniversary of the battle of Tippecanoe. Whigs in New York, and the Democratic Association of Native Americans celebrated the anniversary of his battle of the Thames. He was nominated at a public meeting in Albany; he was endorsed by a meeting in Philadelphia; he was questioned as to his views by the Anti-Masons; he was formally nominated by the Anti-Masonic convention at Harrisburg in December, and his nomination was at once ratified by the Democratic Republican State Convention of Pennsylvania. The Maryland Whigs in convention joined his name with that of John Tyler, and in this the Whig members of the Maryland Legislature concurred.

Members of the Legislature of Virginia opposed Van Buren and endorsed Hugh L. White; the Legislature of Alabama rescinded its resolutions passed at the previous session in support of White; and that of Tennessee recommended him to the people as a candidate. A caucus of members of the Virginia Legislature named Van Buren, and William Smith, of Alabama. The Senate of Illinois by resolution "repudiated, as grossly unjust, the arrogant claims of the Van Buren party to exclusive democracy, disapproved of the convention system the Van Buren supporters were seeking to force on the American people, and recommended Hugh L. White." The Anti-Masons of Massachusetts endorsed Van Buren, and a State convention at Columbus, Ohio, and the Whig State Convention of New Jersey, endorsed Harrison and Granger.

An attempt to fuse factions was made by a convention in Virginia by nominating Harrison and Tyler, and then adopting the White ticket of presidential electors. The Democratic Convention in Rhode Island pledged support to Van Buren and Johnson.

The candidates having been thus presented, the work of abusing and questioning them began. Harrison, while a member of the Senate of Ohio, had voted in favor of abolishing imprisonment for debt, and in favor of selling the time of petty criminals imprisoned for non-payment of fines and costs. He was now charged with having attempted to sell white men into slavery. After the battle of the Thames, R. M. Johnson ordered an Indian Moravian town near the field of battle to be burned because the Indians had fought with the British, and the town, if left standing, would afford them winter quarters too near Detroit. Harrison was charged with having wantonly burned the town, with all its provisions, and reducing the innocent Indians to such straits that all would have perished had not Perry kindly furnished them with food.

Judge White was denounced as a friend of negro suffrage, and accused of having walked to the poll, in 1825, arm-in-arm with a free negro—a charge which his friends hastened to denounce as slander, and utterly foreign to his character. When questioned as to his opinion on a bank, he declared Congress had no power to charter a bank of any sort to carry on business within the limits of any State.

To each of the leading candidates—Harrison, White, and Van Buren—was addressed a set of five questions: Will you, if elected, sign a bill to distribute the surplus revenue? a bill to distribute the proceeds of sales of public lands? bills making appropriations to improve navigable streams above ports of entry? a bill chartering a national bank? and what is your opinion on the constitutional right of either house of Congress to expunge the records of a previous session? Harrison answered "Yes" to all save the last, to which he said "No." Van Buren did not reply till after Congress rose, when he approved of the distribution of the surplus and the proposition to expunge, would not promise to favor a distribution of the sales of public lands, nor the improvement of rivers above ports of entry, and was opposed to a national bank. Judge White referred to his congressional record for answers to the first, second, and fifth questions, and said "Yes" to the third and "No" to the fourth.

When asked by citizens of North Carolina whether he did or did not believe that Congress had power to abolish slavery in the District of Columbia, Van Buren replied that Congress had no power to interfere with slavery in any manner, or to any extent, in the States, and was opposed to its doing so in the District of Columbia. He would not go so far as to assert that Congress had not authority to abolish slavery in the District, but there were objections to the use of such power against the wishes of the States, as imperative as the most palpable want of power.

The next party to question Van Buren was of recent origin, bore the name of Equal Rights, or Locofoco, and owed its origin to the principles of equal rights and anti-monopoly, so boldly asserted by the Agrarian and Working-man's party; to Jackson's attack on the Bank of the United States; to the strong anti-bank feeling to which it gave rise; to the rage for bank charters which followed the removal of the deposits; to the hard-money campaign of 1834; and to the belief that the Legislature of the State was wholly in the hands of chartered institutions. The leaders of the new movement were Democrats, believers in free trade, anti-monopoly, and specie currency, as against bank notes, and began their work of reform within the party by inducing the friends of equal rights to consult, and select ward delegates to meet secretly at the various hotels, from time to time, and form a plan of action.

When all had been done that could be done in this way, a bolder course was taken. A dinner was given to R. M. Johnson, and public attention aroused by toasts carefully prepared to express the doctrines of the party. "The Right of Instruction," "Liberty of the Press," and "The Rights of Man" were sentiments to which every Democrat around the table could heartily respond. But "Equal Rights—no good Democrat will ask for more, and no true Democrat will be satisfied with less"—and "Banks, banking, and paper money, labor-saving machines by which drones are enabled to grow rich without honest industry," were doctrines which formed no part of the political creed of the New York Democracy.

That a split in the party ranks must sooner or later occur was now certain, and became imminent when, at the ward meetings for the election of members of the Nominating Committee of the regular Democracy, it was decided not to pledge candidates for the Assembly against monopolies, as had been done the year before.

Thus instructed, the Nominating Committee selected eleven candidates for the Assembly, one for the State Senate, and one for Congress, and, as none were pledged, the ticket was that of the monopoly party. Forced to meet the issue, the anti-monopolists took the ticket into consideration, decided to strike off five names and substitute five of their own selection.

Now it was the usage of the party, after the ticket was made up, to call a mass meeting in Tammany Hall and submit it for ratification to the voters. On the appointed evening, therefore, long before the hour named, a dense crowd gathered in front of the hall, and filled the passage and great stairway leading to the long room. Meantime the men who were to preside over the meeting, and a band of sturdy followers, were admitted by a rear door; and when this was done and the clock began to strike seven, the doors were thrown open, and a wild crowd rushed in, to find that Alderman Varian had already been nominated for the chair and was on his way to take it.

As the room filled up, Joel Curtis was nominated for chairman by the Equal Righters, and as he started toward the platform a banner inscribed "Joel Curtis, the Anti-Monopolist Chairman," is displayed to the shouting, yelling crowd; and then another, bearing the names of candidates to whom the Anti-Monopolists are opposed; and soon a third, with the whole Anti-Monopoly ticket.

A struggle for the chair now ensued. Some held down Chairman Varian; others sought to pull him out. In the scuffle the chair and its occupant were upset, and the next moment Curtis was in it, and amid shouts of "Don't adjourn!" "Sustain the Chair!" Varian and his followers left by the private door, declaring their ticket and resolutions adopted. Curtis, waving his hat for silence, had just

begun a speech, when "the stoppers were put to the gas-lights, and the front part of the hall was in total darkness." But the Anti-Monopolists were ready for this emergency, and "in a moment the platform was lined with fifty sperm lights, and thus the old trick would not take."

The Anti-Monopoly ticket was then and there adopted, and also a set of resolutions to serve as a platform. These declared for one term for the President, and his election by direct vote of the people; the right of instruction; short terms for all office holders; and a currency of gold and silver. Perpetuities and monopolies were declared offensive to freedom, and all laws which directly or indirectly infringe the free exercise of equal rights were denounced as odious, unjust, and unconstitutional. The Bank of the United States was unconstitutional; all bank charters were at war with good morals, with just and equal government, and were founded on speculation and gambling, and tended to build up wealth and power against merit and equal rights. The Evening Post was then adopted as the organ of the party and promised its support.

Next morning the Courier and Enquirer dubbed the new party the Locofocos, because in lighting their candles they had used a match called by that name.

In the contest which followed the Whigs took sides with the Locofocos; yet, with this support, their ticket was beaten at the polls. All connection with the Tammany Society was then renounced, and from a County Convention of ward delegates came a plan of organization, and a declaration of principles: That all men are created free and equal, and endowed with the inalienable rights of life, liberty, and the pursuit of happiness; that the true foundation of government is the equal right of every citizen in his person and property and in their management; that men, when forming the social compact, do not give up any natural right; that no man has a right to commit an aggression on the equal rights of another, and that this is all from which the law ought to restrain him; that every man is bound to contribute to the necessities of society, and that this is all the law should enforce on him, were asserted to be self-evident truths. Unqualified hostility

was declared to bank notes and paper money as a circulating medium; to all monopolies by legislation; to all unconstitutional creations of vested rights, or prerogatives by legislation; and to the exemption, by charter or otherwise, of any man, or body of men, from trial by jury and the jurisdiction of laws which govern the community. The name Equal Rights Party was then formally adopted, and a declaration made that no person who would not sign the declaration of rights should be eligible to a nomination, and that each candidate must sign a written pledge stating the particular measures he would support or oppose.

At the charter election there were thus three tickets for common council; but a fourth, the Native American, presented a candidate for the mayoralty. Opposition to the naturalized citizen, even at that early date, was far from local, but the chief centers of discontent were New Orleans and New York. At New Orleans the feeling arose from the presence of many foreigners; from the existence of a large body of citizens French in manners, customs, and language; from the belief that in the event of war with France they would not loyally support the government; because in Louisiana alien non-residents could own and inherit real estate; and because many fine plantations and large estates had been mortgaged to foreign capitalists.

When, therefore, in the autumn of 1835, the mechanics and artisans of New Orleans were discussing the question of permitting slaves to be taught handicrafts, and a public meeting was called to consider this issue, the question of naturalized citizens holding office was also taken up for consideration. But the crowd grew disorderly, and the Legion was called out to keep the peace. At a later meeting the mechanics disavowed all responsibility for the disturbance, and a writer in a friendly paper, in commenting on the conduct of the Legion, expressed the belief that in case of war with France it would not fight, as so many of its members were of French blood. For this the editor was seized, flogged, and thrown into the calaboose.

In New York feeling ran high on both sides. Thousands of foreigners landed there each year. Many remained in the

city, were allowed to vote before naturalization, and flattered and won over to Tammany by the nomination of fellow countrymen to office. The burning of the Charleston convent, the hostility to Irish laborers on the canals and railroads in many parts of the country, and the charge that half the emigrants were paupers, idlers, and worthless persons, did not a little to intensify race feeling and affect political conditions. The natives, on the other hand, complained of the mildness and looseness of administration of the naturalization laws, of the large proportion of naturalized voters, and of the prospect that at no distant day office holding and the control of city government would be in the hands of ignorant foreign-born citizens. To counteract this, the Native American Democratic Association was formed, a newspaper called the Native American Democratic Citizen was founded, and in the fall of 1835 James Monroe was nominated for Congress on the platform, "Elevate no person of foreign birth to any office of honor, trust, or profit in the United States."

Monroe declined the compliment. He was, he said, in favor of such a change in the naturalization laws as should make citizenship more difficult to acquire, but he could not favor any course which would infringe the rights of foreigners already in our country, or of such as might come while the laws then on the statute-books remained in force.*

When the charter election of 1836 came on, feeling ran higher than ever, and handbills headed "Irishmen to your posts, or you may lose America!" and appeals to Catholic voters to make this a Catholic country and support two "true Irishmen" on the Tammany ticket, were freely circulated.

The Natives then named a candidate for mayor, and at the election polled nearly fifteen hundred votes. The Equal Righters cast twenty-seven hundred, the Whigs near six thousand, and the Democratic candidate was elected. But the Board of Aldermen was equally divided between the Whigs and Democrats, and many weeks elapsed before a presiding officer was chosen.

* Niles's Register, November 7, 1835, p. 166.

The charter election over, the Equal Righters turned their attention to the autumn elections, nominated Monroe for Congress, and appointed a committee to question the candidates for the presidency and vice-presidency "on the principles of reform advocated by the Anti-Monopoly Democracy."

Van Buren, when asked for his opinions on the declaration of rights, replied that he believed the true foundation of government to be the equal right of each citizen to his person and property; and for an answer to their other principles, referred them to a public career "of no inconsiderable duration in the State and Federal Governments, and to a succession of public declarations heretofore made by me," * an answer which the committee described as not satisfactory "to any true Democrat."

A convention of mechanics and workingmen, meantime, had been called, to meet at Utica. This was the direct outcome of the rise of the Trades Union, and of the trial of a band of striking tailors charged with "conspiracy against trade and commerce, and the peace, safety, and dignity of the State of New York."

Early in the year the journeymen tailors in New York made out a tariff of wages and adopted a rule for the government of employers in giving out work. Each employer was to hang in his shop a slate, and enter on it every piece of work given a journeyman, and no man was to receive work except in his turn. The master tailors refused to abide by so unjust a rule, and rejected the new rate of wages; whereupon the workmen struck, and paraded the streets with music, and with banners inscribed, "Mechanics' Rights!" "No surrender, by the Eternal!" raised a riot, and committed such acts of violence on those who refused to join them that the mayor was forced to call out the militia to keep the peace.

Twenty-one of the offenders were finally arrested, indicted for assault and battery, and prosecuted for riot and conspiracy injurious to trade and commerce. The jury returned a verdict of guilty, and the court, when imposing sen-

* Niles's Register, August 6, 1836, p. 391.

tence, fined the president of the union $150, a member who had been very active $100, and the others $50 each.*

Angry at such treatment, the Union at once issued handbills calling a meeting of workingmen in the park to discuss the sentence.† An immense crowd attended, heard speeches, passed resolutions, called a State convention of mechanics and workingmen, to meet at Utica, and burned in effigy the judge who imposed the sentence.‡

On the appointed day in September, ninety-three delegates met in the Utica Court-house and adopted the Locofoco declaration of rights; named candidates for Governor and Lieutenant-Governor; issued a long address to the people, and urged the friends of Equal Rights over all the State to put in the field tickets for members of Congress and the legislature. The reforms demanded were a repeal of the law excluding from circulation all bank notes of ten dollars and under; the election of judges by the people, and for short terms; repeal of all laws prohibiting workingmen, individually or collectively, fixing the wages of their labor; a better and more equal system of public schools; a lien law that really afforded relief to workingmen; no imprisonment for debt; and a convention to so amend the Constitution of the State as to prohibit future legislatures granting charters to companies or individuals in any case whatever.

Isaac Smith and Moses Jacques were nominated for Governor and Lieutenant-Governor, and full Congressional and Assembly tickets were chosen. The Whigs and Native Americans supported the Locofoco candidate for the Senate, and he was elected. The Whigs and Equal Righters sent two of their candidates to the Assembly, and the Equal Righters cast thirty-five hundred votes for Governor.

All the States were to choose electors in November, and in all save South Carolina the choice was to be made by gen-

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* New York Commercial Advertiser, June 11, 1836.

† New York Times, June 14, 1836.

‡ In March the Equal Righters began the publication of a penny newspaper called the Democrat, and a little later the General Trades Union issued a penny paper called the Union. The Democrat stopped in June, and the Union in July. The Democrat was revived in September, but ceased to be issued in November.

eral ticket.* As the returns began to come in, Pennsylvania, Indiana, and, for a while, Virginia, were in doubt; but by the first week in December enough returns were received to show that Van Buren would have one hundred and sixty-seven electoral votes, Harrison seventy-three, White twenty-six, and Webster fourteen. South Carolina did not support any candidate, but cast her eleven votes for Mangum. The votes for White came from Tennessee and Georgia, and those for Webster from Massachusetts. Harrison carried Vermont, New Jersey, Delaware, Maryland, Ohio, Indiana, and Kentucky.

Nobody was elected Vice-President. Johnson received one hundred and forty-four votes, Granger seventy-seven, Tyler forty-seven, and William Smith, of Alabama, the twenty-three votes of Virginia. As no one had a majority, the duty of electing a Vice-President rested on the Senate.

In Maryland the issues of the presidential campaign were of far less concern to the people than the result of a bitter struggle for a new or reformed Constitution. In the opinion of a majority of the people, that ancient instrument of government had long ceased to be republican in form, had become oppressive, and was fruitful of evils too odious to be borne. The Governor was elected by the legislature; the judges were appointed by the Executive; representation in the legislature was not apportioned on population; and the Senate was chosen by an electoral college, and not by the

* State.	Vote.	Time.	State.	Vote.	Time.
Maine	10	Nov. 7	North Carolina	15	Nov. 17
New Hampshire	7	" 7	South Carolina	11	Legislature
Vermont	7	" 15	Georgia	11	Nov. 7
Massachusetts	14	" 14	Ohio	21	" 4
Rhode Island	4	" 23	Indiana	9	" 7
Connecticut	8	" 7	Illinois	5	" 7
New York	42	" 7	Kentucky	15	" 7
Pennsylvania	30	" 4	Tennessee	15	" 17
New Jersey	8	" 7	Alabama	7	" 14
Delaware	3	" 7	Mississippi	4	" 7
Maryland	10	" 14	Louisiana	5	" 8
Virginia	23	" 7	Missouri	4	" 7

people. Kent and Calvert counties, the reformers complained, counties with a population of twenty thousand souls, were given the same representation in the electoral college and in the legislature as were Frederick and Washington, with a population of seventy-one thousand. In Baltimore were over eighty thousand people; yet Baltimore had but one representative in the legislature, while Kent and Calvert counties had two each. Not only did the minority rule and govern in the framing of the laws, but also in the appointment of those by whom the laws were to be administered, expounded, and enforced. Could such a government be called republican?

The State Constitution provided that every fifth year, beginning with 1781, on the first Monday in September, the qualified voters of each county should elect two persons, and the voters of Baltimore and of Annapolis one for each city; and that these delegates should meet on the third Monday of September, at Annapolis, and choose, out of their own body or from the people at large, fifteen Senators. As another Senate must be thus elected in 1836, the reformers bent their energies to secure a majority of the forty members of the electoral college. But when the contest ended the membership stood twenty-one Whigs and nineteen Van Buren Democrats. Nevertheless, one hope remained to the reformers, for the Constitution provided that unless at least twenty-four electors met, no Senator could be chosen.

Seizing the opportunity, the reformers posted a notice in Frederick, calling a public meeting at early candle-light on September tenth, to devise means for carrying into effect the will of the people in the formation of the State Senate. The nineteen Van Buren electors had received nearly two hundred and six thousand votes, and the twenty-one Whigs but a few over eighty-five thousand. The meeting required that the two electors for Frederick County demand that no member of the House of Delegates who opposed the bill calling a convention of the people to make a republican constitution should be elected to the new Senate; that at least eight of the new Senate should be Van Buren Democrats; that a majority of the Senate should be men known to favor a

thorough and radical reform of the Constitution; and that the Whigs should pledge themselves to carry out these conditions in good faith. Should the Whigs refuse to give a pledge, the two delegates from Frederick County were requested not to attend the electoral college.

At a meeting in Elkton a like request was made to the two delegates from Cecil County. The reformers in Baltimore gave similar instructions to their delegate. When, therefore, the day came for the meeting of the electors, not one of the nineteen Van Buren men attended the session, and when the Whig members refused to notice a letter addressed to them, the Van Buren party framed an address to the people of Maryland, and went home.

The Whigs continued in session, published a reply to the address of the minority, and were supported in their acts by resolutions passed at Whig meetings in Baltimore, and by the Democrats of Alleghany County, where the four Van Buren candidates for the House of Delegates published their disapproval of the conduct of their party electors. In Frederick County the Van Buren ticket for delegates to the House was withdrawn. On the other hand, the mechanics and workingmen of Baltimore, in mass meeting assembled, supported the action of the nineteen. The Constitution of Maryland, they declared, was "a blot on the principles of republicanism." The time was suitable for framing a new constitution consistent with true republican principles, and none but power-loving aristocrats and grasping monopolists could object. The reforms demanded did not constitute anarchy, nor were the friends of reform Jacobins or "destructives."

The question now before the people was, Is there a government? The reformers, holding that failure to elect a new Senate prevented the organization of a legislature, and the election of a new governor, claimed that no government existed. The nineteen electors, in their address, therefore suggested that the people in their respective counties elect, on the first Monday in November, six delegates to meet in convention on the third Monday in November, and invest them with full power to extend the authority of all civil

and military officials in commission, till a convention could be convened to form an entirely new government.

In Frederick and Hanford counties this was warmly approved; in Alleghany it was condemned, and in Washington the senatorial electors were requested to attend the electoral college, provided assurances were given that a majority of the Senators would be men willing to support a law calling a constitutional convention. Montgomery County denounced the nineteen, and declared the plan for a convention was adding insult to injury.

At this stage of the dispute the Governor, Thomas W. Veazey, summoned the legislature to meet in extra session on the twenty-first of November, and take into consideration the present condition of public affairs; declared he would do his utmost to "curb the spirit of anarchy, disorder, and revolution manifested by" the conduct of the reformers, and called on Providence for direction and aid and on the people for support. This raised the question whether King Veazey had a legislature to assemble. Could members of the old Senate hold their seats after the day fixed for the election of a new? Suppose there had been an election of a Senate on the day fixed, could there have been an extra session of the old Senate after that time? Was there any provision in the Constitution continuing their time of service till successors were elected?

These questions, however, were not answered, for two electors from Queen Ann's County, one from Carolina, and two from Anne Arundel, met with the twenty-one Whigs, raised the number to twenty-six, and a Senate was chosen on the nineteenth of November. The Whigs had pledged themselves to elect a Senate that would favor constitutional amendment.

On the following Monday the legislature met. Nearly every member of the House of Delegates attended, but so few of the Senate came that no quorum was formed. The election of a new Senate on Saturday terminated, it was believed, the existence of the old. In this state of affairs the House continued its sessions till the following Saturday, and then adjourned without day.

A reform convention meantime assembled at Baltimore: demanded a new constitution providing for a popular election of the Governor; abolition of the Council; popular election of one Senator from each county, and from Baltimore; reapportionment of the House of Delegates; abolition of all life tenures; limitation on the legislature in granting charters; and adjourned to meet on the first Monday in January.

At the regular meeting of the legislature Governor Veazey and the old council were reëlected, and the reformers apparently were hopelessly defeated. But the cry for reform was louder than ever, and ere the session closed a law was enacted which granted almost everything demanded. Henceforth the Governor was to be elected triennially by the people, and was not eligible to a second term; the Council for the Governor was abolished; members of the lower House were apportioned among the counties with some regard to population; Annapolis was deprived of her special delegate; the electoral college was abolished, and the Senate increased to twenty members, to be elected one in each county and one in the city of Baltimore, to serve six years. One-third were to go out biennially.*

When this act was passed Jackson was no longer President of the United States. As the day for the meeting of the last Congress in his administration drew near, he thought seriously of following the example of Washington and delivering "a farewell address as a means of rendering a last service to my country," and turned, as was so often his wont, to Taney for advice. He would like the opinion of the Chief Justice as to the time most fitting, the mode most proper, and the topics most appropriate. Should it be delivered at the opening of the session and at the end of the annual message, or at the close of the session, when the committees came to ask if he had any further business to communicate? He was inclined, he said, to the latter time.

Of the topics proper to be treated there was that of all-

* Laws of Maryland, Chapter CXCVII. Passed March 10, 1837. Before becoming a part of the Constitution it must be ratified by the next legislature.

absorbing interest, our glorious Union, and the many schemes ambition and the spirit of faction had devised to dissolve it and throw our country into anarchy. Sectional jealousy, sectional parties, sectional preferences, had greatly occupied his thoughts, and he would be glad to know in what light this topic appeared to Taney. The dangerous power of the Bank, the dangerous tendency of privileged monopolies, especially of those "privileged to adulterate the currency," and the gradual, all-consuming corruption which was spreading and carrying stock-jobbing, land-jobbing, and every kind of speculation into the State and national legislatures, were topics, he thought, most proper to be considered.*

Taney's advice was to make the address at the end of the presidential term.† The annual message, therefore, contained no allusion to the proposed farewell. Our foreign relations were briefly touched on. Even those with Mexico and Texas received but scant notice. That our people should sympathize with Texas was, he said, not surprising. But this sympathy should teach caution, lest public policy should be led by partiality or prejudice. The known desire of Texas to enter our Union placed us in a position of great delicacy, and exposed our conduct to such misconception in the eyes of the world that we should neither attempt to anticipate events nor seek to control them.

The departure of the Mexican minister, because of the advance of General Gaines into territory claimed as a part of Texas, Jackson described as singular and unnecessary, and the result of a mistaken belief that the honor of his country had been wounded.

The burden of the message was the state of the finances. The President complained that the act for the deposit of the surplus revenue was already spoken of as an act to give the money to the States; declared that the States had no more right to use the deposits without intending to return them, than a deposit bank would have to convert to its own private use public money temporarily in its keeping. He

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* Jackson to Taney, October 13, 1836.

† Taney to Jackson, October 15, 1836.

condemned the policy of raising revenue beyond the needs of the government, denounced the collection of money for distribution to the States or the people as impolitic, dangerous, and unjust, and pointed out the effect of the deposit system on the multiplication of bank charters and in producing a spirit of wild speculation. He called attention to the difference between a distribution of the surplus on the basis of population and that according to the electoral vote; he showed that, if thirty millions were divided on the ratio of direct taxation, Delaware would receive less than one hundred and eighty-nine thousand dollars; but on the principle of the deposit act she would get more than three hundred and six thousand.

The safest way to avoid the evils of a surplus was to collect no more revenue than the needs of the government required. Any transient mischief which might attend such a reduction of revenue was far preferable to the manifold evils of an overflowing treasury, rash speculation, idleness, extravagance, fluctuations in the price of property, and dangerous extensions and ruinous contractions of credit.

The message touched on the effects of an extension of bank credit and the over-issue of bank paper, and told how they depreciated the currency and put up prices, which in turn forced up wages; how high wages and high prices stopped the exportation of products; how foreign, because cheaper, goods were imported and drew away specie; how this led to suspension of specie payments, the utter degradation of the currency, depression of prices, ruin of debtors, and accumulation of property in the hands of creditors; how the banks lent their notes to speculators in the public lands; how these men paid them to the receivers, who returned them to the banks; which lent them again and again as mere instruments to transfer valuable public lands to speculators in exchange for credits on the books of the banks.

The safety of the public funds, he said, required that these speculations should be stopped; and they had been by the specie circular, which checked the career of the Western banks, hindered the monopolizing of the public lands, saved the new States from non-resident proprietorship, kept the

lands open for actual settlers, and brought gold and silver into the West, there to remain permanently.

In the opinion of many of his countrymen the specie circular had been far from beneficial, and in the opening days of the session it was vigorously attacked. A joint resolution rescinding it, and forbidding the Secretary of the Treasury to delegate to any person or corporation power to decide what funds should or should not be received for customs duty or public lands, after long debate, was sent to the Committee on Public Lands, reported, referred to the Committee on Finance, and never heard of again. But a bill designating and limiting the funds receivable for the revenues of the United States, passed both Senate and House, and reached Jackson on the afternoon of March second, was sent at once to the Attorney-General for an opinion, and on his advice was pocket-vetoed.* The meaning of the act, the Attorney-General said, was so obscure that it would admit of many interpretations and conflict with many laws not repealed.

Once again Clay introduced a bill to distribute the proceeds of public-land sales; but the Committee on Public Lands struck out all save the enacting clause, and reported as an amendment a bill to limit the sale of land to actual settlers. The Senate passed it, but the House did not. From Calhoun came a bill to distribute the surplus in the Treasury on January first, 1838, in accordance with the act of June, 1837. To this Jackson could not, in the face of his message, have consented, and it was not seriously considered.

The Texan question was brought before Congress in a long message opposing a recognition of independence. The opposite view was presented in a resolution offered by Senator Walker. Texas having established and maintained an independent government, able to perform all the duties, foreign and domestic, which belonged to such, it was expedient and proper, so the resolution read, that the inde-

* The reasons for so doing, and the opinion of the Attorney-General, are given in Richardson's Messages and Papers of the Presidents, Vol. III, pp. 282–288.

pendent political existence of Texas be acknowledged by the government of the United States. After many postponements, it was agreed to a few days before the end of the session.

In the House the civil and diplomatic appropriation bill was amended, and provision made for the outfit and salary of a diplomatic agent to be sent to the "Republic of Texas" whenever the President should deem it expedient to appoint "such a minister." These acts, in the opinion of Jackson, settled the issue, and he at once nominated Alcée La Branche, of Louisiana, to be *chargé d'affaires* to the Republic of Texas.

With Mexico he had lost all patience, and in a special message urged Congress to vigorous measures. Failure to redress the injuries complained of, the long time which had elapsed since many of them were inflicted, the wanton character of others, and the recent insult to the Government and people of the United States, would, he said, in the eyes of the whole people, justify war. To that extremity, however, he was loath to go. Mexico should be given one more chance to atone for the past before we took redress into our own hands. He therefore recommended that an act be passed authorizing reprisals, and the use of the navy to enforce them, if Mexico should refuse a last demand for reparation made from on board one of our war vessels on the coast of Mexico.

The House Committee on Foreign Affairs, after a long review of the unprovoked and inexcusable outrages on the property and persons of our citizens, and on officers and the flag of our country, reported that they fully agreed with the President that ample cause existed for taking redress into our own hands, but were willing to make one more appeal, which should be made in the most solemn manner by a diplomatic functionary of the highest rank. Two resolutions were therefore reported and adopted. One set forth in substance, that just cause for war existed; the other requested Jackson to make one more demand, "in the most impressive form," on the Government of Mexico for redress of grievances.

The Senate Committee on Foreign Relations, with Buchanan at its head, was not ready to recommend reprisals on the testimony of the President alone. They were hopeful of much good from the return of Santa Anna. That he had forfeited his life was beyond dispute; but the Texans had magnanimously spared him; he had visited Washington, had been sent home in a government vessel, and without doubt would be restored to the presidency of Mexico. Under such circumstances it seemed reasonable to expect that he would render to the United States the justice that was due. Nay, more, the committee were unanimous in the opinion that the thirty-fourth article of the treaty with Mexico required that another demand should be made before resorting to hostile measures. They recommended, therefore, that such a demand be made in accordance with the treaty. The mode and manner were "properly confided to his discretion." Should this fail, it would then be "the imperative duty of Congress promptly to consider what further measures may be required by the honor of the nation and the rights of our injured fellow citizens." To this the Senate unanimously agreed.

The exciting debates of the session were produced, in the Senate, by Benton's resolution to expunge, and in the House by a resolution to censure Adams. In the course of the two years which had elapsed since the vote of 1835, the complexion of the Senate had changed greatly. One anti-expunger had died; seven more, one from each of the States of Connecticut, New Jersey, North Carolina, Illinois, and Mississippi, and two from Virginia, had resigned or been retired, and their places given to expungers, and the strength of the expungers still further increased by the admission of two senators from the new State of Arkansas. All told, Benton believed that he could muster nine-and-twenty votes of the nine-and-forty which it was possible for the Senate to cast.

Sure of victory, he gave notice early in the session that, when there was a Senate sufficiently well attended, he should ask leave to again introduce his resolutions to expunge. But nearly three weeks passed before he laid them on the table,

and more than a fortnight more sped by ere debate on them began. Thirteen Senators spoke; but the two great speeches were that of Benton, in which he reviewed and lauded the public career of Jackson, and that of Clay, which was declared by his friends to be the finest he had yet delivered, and was declaimed by two generations of admiring schoolboys. Again the old arguments for and against the constitutionality of the proceeding were rehearsed, mingled with scorn, sarcasm, and invective. So questionable was expunging thought to be that in the midst of the debate, on the evening of Saturday, the fourteenth of January, the Democratic Senators met in a restaurant to confer. "On that occasion," says Benton in his account of the caucus, "it required all the moderation, tact, and skill of the prime movers to obtain and maintain the union upon details." But toward midnight it was agreed that "there should be no adjournment of the Senate, after the resolution was called, until it was passed." This might cause a sitting of unusual length, and, "knowing the difficulty of keeping men steady to their work and in good humor when tired and hungry, the mover of the proceeding gave orders that night to have an ample supply of cold hams, turkeys, rounds of beef, pickles, wines, and cups of hot coffee ready in a certain committee-room near the Senate-chamber." On Monday, the sixteenth, the resolution was called, and late at night, after Ewing had closed the debate and Webster had read a solemn protest against expunging, Benton moved that the blanks in the resolution be filled by inserting the words "sixteenth day of January and the date 1837." This having been agreed to, the yeas and nays were called. Twenty-four Senators answered yea, and nineteen nay.

The secretary of the Senate then brought in the journal of 1834, opened it at the proper page, drew black lines around the resolution of March twenty-eighth, and wrote across it, "Expunged by order of the Senate this sixteenth day of January, 1837." No sooner had he done so than hisses, loud and long, were heard from all parts of the gallery. The chair ordered the gallery to be cleared; but Benton protested, hoped the gallery would not be cleared, and

urged that the sergeant-at-arms be sent to ascertain, as best he could, and apprehend the ruffians who made the disturbance. "Let him seize the bank ruffians!" exclaimed Benton; "I hope they will not now be suffered to insult the Senate as they did when it was under the power of the Bank of the United States, when ruffians with arms upon them insulted us with impunity. Let them be taken and brought to the bar of the Senate. Here is one, just above me, that may easily be identified—the bank ruffian."

The chair then revoked its order, sent the sergeant to make the arrest, and was soon informed that the man was in custody. Benton moved that he be brought to the bar of the Senate. This was ordered, and when the prisoner had been produced, and in the most solemn manner presented at the bar, Benton moved that he be discharged. Some debate followed; but the motion was carried and the ruffian discharged. Advancing toward the chair, he said, "Mr. President, am I not to be heard in my own defence?" "Take him out," said the chair, and out he went. Well did Webster say, in his protest, that if it were not for "the ruthless violation of a sacred instrument," the scene would be "little elevated above the character of a contemptible farce."

In the House the old struggle over the right of petition was renewed, by Adams offering a memorial from twenty-seven citizens of Pennsylvania who prayed for the abolition of slavery and the slave-trade in the District of Columbia. Objection was at once raised to its reception. Under the resolution adopted at the last session, it was said, such memorials must be laid on the table without being read, printed, or referred. But the Speaker ruled that the operation of the resolution ceased with the close of the session, and so reopened the whole question of reception, and gave to Adams a chance to begin a contest in which he was well pleased to engage.

The motion to refer this particular petition having been laid on the table, Adams waited till he had received several more, and then, one morning in January, 1837, presented the first, signed by one hundred and fifty women, and moved

that it be read. This was objected to, and when a motion to receive was tabled, Adams gave notice that he would call it up from day to day till a decision was made, and presented a second petition, bearing two hundred and twenty-eight names. This he attempted to read as part of his speech, and proceeded amid shouts of "Order! order!" till the Speaker forced him to take his seat.

The Speaker then ruled that he might make a brief statement of the contents, but could not read the petition at length. Adams replied that the document was but five lines long; that to read it was the briefest statement of its contents he could make, and continued despite cries of "Order! order!" from all parts of the House. The petition was received and laid on the table. This done, Adams presented a third; but action on it went over as unfinished business, and the Speaker, holding that the first and third petitions were not in the possession of the House, sent them back to Adams.

Before the matter could again be taken up the House adopted a gag resolution, which ordered that all petitions relating in any way to slavery, or the abolition of slavery, should be laid on the table without being either printed or referred.*

By a rule of the House, on each Monday morning unfinished business was to be taken up first. When, therefore, on the following Monday the Speaker announced the unfinished business to be a matter of recent introduction, Adams raised a point of order, and claimed that the business of the morning was the question of receiving the petition from Dover. The Speaker ruled that by the adoption of the gag order the House had disposed of the Dover petition. Adams contended that the unfinished business was the question of receiving; that this was neither a "petition," nor a "memorial," nor a "paper" to be presented, but a debate pending in the House, and did not come under the resolution. But

* "*Resolved*, That all petitions, memorials, resolutions, propositions, or papers, relating in any way, or to any extent whatever, to the subject of slavery, shall, without being either printed or referred, be laid upon the table, and that no action whatever shall be had thereon."—January 18, 1837.

the Speaker held to his ruling, and, on an appeal by Adams, the House sustained the decision of the chair.

A fortnight later an unusually large number of abolition petitions were presented by different members, and laid upon the table according to the gag resolution, till Adams arose and stated that he held in his hand a petition which purported to come from slaves, and asked the Speaker if it fell within the order of the House. The Speaker replied that the presentation of a petition from persons not free was so extraordinary that he would take the sense of the House, which at once plunged into an angry attack on Adams. One member could not express his astonishment at the conduct of Adams; another hoped the petition would be committed to the flames; a third demanded * that Adams should be brought to the bar and censured; a fourth proposed that he should be censured without coming to the bar;† and a fifth, that, as he had, by his attempt to introduce a petition from slaves praying for the abolition of slavery in the District, committed an outrage on the rights and feelings of a large portion of the people of the Union, had shown a flagrant contempt for the dignity of the House, and, by extending to slaves a privilege belonging solely to freemen, had directly invited the slaves to insurrection, he should be called to the bar and censured.

Adams now informed the House that he had not attempted to present a petition, but had merely stated that he held in his hand what purported to be a petition, and had asked if it came under an order of the House, and that the petition did not ask for the abolition of slavery in the District. This, in the opinion of the slave-holders, was trifling with the House, was a new cause of offence, and the form

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* "*Resolved*, That the Honorable John Quincy Adams, by the attempt just made by him to introduce a petition purporting on its face to be from slaves, has been guilty of a gross disrespect to this House, and that he be instantly brought to the bar to receive the severe censure of the Speaker."

† "*Resolved*, That John Quincy Adams, a Representative from the State of Massachusetts, has rendered himself liable to the severest censure of this House, and is censured, accordingly, for having attempted to present to the House the petition of slaves."

of the last resolution of censure was modified accordingly.* For the resolution so modified one member then submitted a substitute, and another a further modification, which the mover of the original proposition at once accepted.† The substitute was then withdrawn, and the question became the original resolution of Thompson as modified by Dromgoole. A long debate followed, in the course of which two amendments were moved. One proposed to strike out all after the word "Resolved," and insert two resolutions to the effect that an attempt to present a petition from any slave, or slaves, or a free negro, was contempt of the House, and that a committee be appointed to inquire whether any such attempt has been made by any member of the House, and report accordingly. The other, an amendment to the amendment, set forth that the right of petition did not belong to the slaves of this Union; that any member who should thereafter present such a petition ought to be considered as regardless of the feelings of the House and the rights of the South, and an enemy to the Union; and that Adams, having solemnly disclaimed any intention to offend the House, all proceedings as to his conduct should stop.

A bitter personal debate followed, and was still in progress when the House adjourned at six o'clock. The next

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* Thompson offered as a substitute for his resolution:

"(1) *Resolved*, That the Honorable John Q. Adams, by an effort to present a petition from slaves, has committed a gross contempt of this House.

"(2) *Resolved*, That the member from Massachusetts above named, by creating the impression, and leaving the House under such impression, that said petition was for the abolition of slavery, when he knew it was not, has trifled with the House.

"(3) *Resolved*, That the Honorable John Q. Adams receive the censure of the House for his conduct referred to in the preceding resolutions."

† Dromgoole proposed a modification, which read:

"(1) *Resolved*, That the Honorable John Quincy Adams, a member of this House, by stating in his place that he had in his possession a paper purporting to be a petition from slaves, and inquiring if it came within the meaning of a resolution heretofore adopted (as preliminary to its presentation), has given color to the idea that slaves have the right of petition and of his readiness to be their organ; and that for the same he deserves the censure of this House.

"(2) *Resolved*, That the aforesaid John Quincy Adams receive a censure from the Speaker, in the presence of the House of Representatives."

day the electoral vote was counted, and discussion was resumed on the following day. Several attempts were made to lay the whole subject on the table, to limit the range of debate, and to allay the growing irritation by stopping discussion, by points of order, and appeals from decisions of the chair. In the midst of the excitement the first amendment was withdrawn, the second was modified by dropping the statement that the right of petition did not belong to slaves, and in this form was accepted by the mover of the original resolution. The previous question was then moved; but when the vote was taken it appeared that the previous question was not seconded. Adams was then allowed to speak in his own defence. As he proceeded he was constantly interrupted by member after member rising to explain; and as soon as he had finished, the previous question was again moved and seconded by the House, and the main question ordered by a yea and nay vote, and both resolutions were rejected.*

But the issue was not yet settled, and two days later the House reconsidered its vote, again brought the resolutions before it, and finally resolved that it could not receive the petition purporting to come from slaves without disregarding its own dignity, the rights of a large class of citizens in the South and West, and the Constitution of the United States; and that slaves did not possess the right of petition secured to the people of the United States by the Constitution.

In the midst of the debate on the resolution to censure Adams, the House had summoned the Senate to take part in counting the electoral vote. Two questions had come before

* "(1) *Resolved*, That any member who shall hereafter present any petition from the slaves of this Union ought to be considered as regardless of the feelings of this House, the rights of the Southern States, and unfriendly to the Union."—Yeas, 92; Nays, 105.

"(2) *Resolved*, That the Honorable John Q. Adams, having solemnly disclaimed all design of doing anything disrespectful to the House in the inquiry he made of the Speaker as to the petition purporting to be from slaves, and having avowed his intention not to offer to present the petition if the House was of opinion that it ought not to be presented, therefore all further proceedings in regard to his conduct do now cease."—Yeas, 21; Nays, 137.

the joint committee appointed to ascertain whether any vote given by the electors of President and Vice-President were contrary to the provisions of the Constitution. The first was what should be done in the case of three electors in North Carolina, and one in each of the States of New Hampshire and Connecticut, who at the time of their appointment as electors were deputy postmasters, and of one in New Hampshire who was president of a deposit bank and acting pension agent. Clearly they had no right to vote, but whether the right to judge of their qualifications rested with the electoral colleges or with Congress, the committee did not venture to say.

The second question was, what should be done with the vote of Michigan. When her electors were chosen, and when they cast their votes, she had not been admitted into the Union as a State. But now she was a State in the Union, and following the precedent in the case of Missouri, the committee recommended that, as it would make no difference in the result whether the vote of Michigan was or was not counted, it should be announced that "in either case A. B. is elected President of the United States." * The Senators from Michigan strongly objected; but the plan was approved. The votes of the disqualified electors in North Carolina, New Hampshire, and Connecticut were not challenged.

Nobody having received a majority of the votes cast for Vice-President, the Senate, after the result was announced, returned to its own chamber and elected Richard M. Johnson. On this ballot the Senators from Indiana, which had been carried by Harrison and Granger, voted for Johnson, and those from Rhode Island, whose electoral vote had been cast for Van Buren, joined the Whigs and voted for Granger.

To inauguration day Jackson looked forward with unconcealed delight. The defeat of Harrison, the triumph of the expungers, the confirmation of Taney, put him in high

* The President of the Senate was to announce that "Were the votes of Michigan to be counted the result would be for A. B. for President of the United States, —— votes. If not counted, for A. B. for President of the United States, —— votes. But in either event A. B. is elected President of the United States."

good humor, and led him in a letter to a friend to use almost the very words Taney had addressed to him nearly a year before. "On the fourth," he wrote, "I hope to be able to go to the Capitol to witness the glorious scene of Mr. Van Buren, once rejected by the Senate, sworn into office by Chief-Justice Taney, also being rejected by the factious Senate."

His hope was not disappointed, and toward noon, on the fourth of March, Jackson and Van Buren, seated in a phaeton made of wood from the frigate Constitution and escorted by infantry and cavalry, drove down Pennsylvania Avenue to the Capitol, and entered the Senate chamber. There a procession was formed, and led by the sergeant-at-arms to the rostrum on the eastern portico, where Van Buren delivered his inaugural address and took the oath of office while the cannon at the navy yard fired a Federal salute.

After the ceremonies of the morning were over the diplomatic corps took leave of Jackson in a formal address, and congratulated Van Buren. In the course of the day a farewell address by Jackson to the people of the United States was distributed in pamphlet form, and as quickly as possible was published by the newspapers in every part of the country. On the seventh, Jackson left Washington and made his way by easy stages to the Hermitage, delayed not a little by great crowds that thronged to meet and greet him at every town along the route.

CHAPTER LXV.

THE PANIC OF 1837.

The new President made but one change in the Cabinet. Cass retired, and Joel R. Poinsett became Secretary of War. Forsyth as Secretary of State, Levi Woodbury as Secretary of the Treasury, Dickerson as Secretary of the Navy, and B. F. Butler as Attorney-General, were undisturbed. As Van Buren looked over the country of which he was now Chief Magistrate he saw nothing but peace and prosperity. His inaugural address, it was said, contained much to approve and little to condemn. The South was comforted by the assurance that he took office "the inflexible and uncompromising opponent of every attempt on the part of Congress to abolish slavery in the District of Columbia against the wishes of the slave-holding States," and that he looked on the Constitution "as limited to natural objects," and "as leaving to the people and the States all power not explicitly parted with." Anti-annexationists were told that "we have no disposition, and we disclaim all right, to meddle in disputes, whether internal or foreign, that may molest other countries"; that "we decline alliances as adverse to our peace"; sedulously cultivate the friendship of all nations, and desire commercial relations on equal terms. Of the great financial storm soon to sweep the country he saw no signs.

Nevertheless, the signs were many and plain to be seen. The specie circular, by drawing real money from the East to the West to pay for the immense land purchases of 1836, had caused no little disturbance. The payment in specie of the first quarter's instalment of $9,367,000, and the with-

drawal of this great sum from the deposit banks in January, increased the disturbance still more. Loans were called in, accommodations were lessened, building, speculating, manufacturing, importing, and every sort of business carried on with the aid of bank loans, received a sudden and severe check. The price of money rose, and none but those with the best security could get it on any terms. To make matters worse, a panic began in England in March, the price of cotton fell from twenty to ten cents a pound, specie ceased to be imported, and large remittances in gold were demanded from the United States by Great Britain at the very time the banks were making ready to pay the second instalment on the first of April.

The suffering produced by these causes was still further aggravated by the scarcity and high price of flour in the Eastern cities. The ravages of the Hessian fly in Pennsylvania during the summer of 1836 were such that by June the farmers were ploughing up their fields and buying wheat for seed. From Bucks, Montgomery, Luzerne, Lehigh, Northampton, Lancaster, York, and Cumberland counties, in Pennsylvania; from Maryland, east and west and on both shores of the bay; from western Virginia, from the great wheat region south of the James, and from Delaware, the one report was, the wheat crop is gone, nothing can save it. Even Tennessee did not escape. So wide-spread a devastation by the fly had never been known, it was said, in the memory of man.

Wheat, which in April and May was steadily declining, began in July to rise in price, and carried flour up with it. By September, wheat was selling in Baltimore for two dollars and fifteen cents a bushel, and flour in New York at eight dollars and a half a barrel. The shortage in the crop and the certainty of a great increase in price led to importation, and by October ship-loads from England began to arrive at our ports. Ere the year closed nearly two hundred thousand bushels reached New York; * one hundred and eighteen thousand came to Baltimore in January, 1837,†

* Pennsylvania Inquirer, April 22, 1837. † Ibid., February 1, 1837.

and some five hundred thousand from Canada to the eastern part of our country during 1836.*

By the first of February flour was selling at twelve dollars and a half a barrel in New York, and wheat at two dollars and a quarter a bushel at Baltimore. The distillers of Franklin County, Pennsylvania, met and considered the best means of reducing, or, if necessary, stopping distillation for a time because of the scarcity and high price of bread-stuffs. The House of Representatives of Pennsylvania agreed to a resolution instructing the Committee on Agriculture to inquire into the expediency of levying a tax for a short period on the distillation of ardent spirits. In Philadelphia the distress of the poor was such that the clergy of the city were appealed to and asked to urge their flocks to help women dependent on their needle for a living, and gave, as the causes of destitution, the high price of the necessaries of life and suspension of employment.† At New York a public meeting considered the case of seamstresses. The best of them, it was stated, could make but eight or nine coarse shirts a week, for which they received from six to twelve and a half cents a shirt. With flour at twelve dollars a barrel such wages would not purchase daily bread. A Philadelphia meeting appointed a committee to inquire into the cause of the high price of flour. They found it in the failure of the wheat crop, and recommended that the legislature establish public granaries for the storage of wheat.

Affairs in New York were brought to a crisis by the leaders of the Anti-Monopoly, Equal Rights, or Locofoco party, who plastered the walls and fences of the city with a handbill calling a meeting of the people.‡

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* Montreal Courier. † Pennsylvania Inquirer, January 7, 1837.

‡Bread, Meat, Rent, Fuel.
Their prices must come down!

☞ The voice of the people shall be heard, and must prevail!

☞ The People will meet in the Park, *rain or shine*, at four o'clock on Monday afternoon, ☜ to inquire into the cause of the present distress and devise a suitable remedy. All friends of humanity, determined to resist monopolists and extortioners, are invited to attend.

On the appointed afternoon some five thousand persons—"mostly foreigners" according to one account, "the very canaille of the city" according to another—gathered in front of the City Hall. Moses Jacques was chosen chairman, but the crowd was quickly parted into groups and addressed by several speakers on such topics as the currency, banking, high rents and extortionate prices, grasping landlords, and monopolizers of flour. Conspicuous among the orators was Alexander Ming, Jr., many times a candidate for City Recorder. He closed his harangue by offering a set of resolutions to be presented to the legislature, and praying for a law prohibiting the circulation of bank notes under one hundred dollars. They were adopted, and Ming carried off on the shoulders of his admirers to Tammany Hall.

Another speaker meanwhile was addressing another group of eager listeners, and, carried away by his denunciation of the holders of flour, exclaimed, "Fellow Citizens: Mr. Hart has now fifty-three thousand barrels of flour in his store. Let us go and offer him eight dollars a barrel, and if he does not take it"—here somebody touched him on the shoulder—"we shall depart from him in peace." * The hint was enough, and his hearers set off in a body for the warehouse of Eli Hart & Co., in Washington Street, between Cortlandt and Dey. The clerks, on the approach of the mob, hastened to shut the iron doors, but one was burst in, and barrels of flour were rolled into the street and there broken to pieces. Mr. Hart with a few police now arrived, but they were attacked with staves and stones and pelted with flour. The mayor was next to come, and attempted to make a speech; but he, too, was pelted with flour and driven from the scene. Barrels of flour and sacks of wheat meantime had been thrown from the windows by scores, and the flour eagerly gathered up by women and children. A thousand bushels of wheat and five hundred barrels of flour are said to have been destroyed.

* New York Courier and Enquirer, February, 1837. New York Commercial Advertiser, February 14, 1837. Another version was: "Let us go down peaceably and ask him to let us have it at ten dollars. If he won't, we'll—go peaceably away."

While the mob was thus engaged, the cry "Meech! Meech!" was raised, and a part went off toward the East River to attack the warehouse of Meech & Co., in Coenties Slip; but stopped on the way and sacked the warehouse of Herrick & Co., and destroyed thirty barrels.

In a card published in the newspapers, Hart & Co. remarked that the impression prevailed that they were monopolizing flour. The truth was, all flour in the city was the property of the millers and was held under the control of the owners. It was needless to say the destruction of an article could not tend to reduce the price. Nor did it, for flour at once went up fifty cents a barrel, and the millers petitioned the legislature for a law to make the city responsible for the destruction of private property by mobs.*

At a second meeting in the Park, a few weeks later, the crowd came bearing flags inscribed, "No rag money—give us gold or silver." "Down with chartered monopolies!" "We are now to see if we can make an effectual stand against the spirit of monopoly." "We go for principle. No monopolies!" "Equal Rights must and shall be preserved!" "We will enjoy our liberties or die in the last ditch." A carpenter's bench was used for a platform, and, mounted on this, Ming urged his hearers not to use rag money, which was the foundation of aristocracy and monopoly. He would not, he said, counsel war on individuals, but against monopolists, aristocrats, speculators. Another speaker advised the crowd to go West in a body, buy land at a dollar and a quarter an acre, found a new State, and let the aristocrats build their own houses.† This time the artillery paraded and no disorder occurred.

Ere another week passed the business world was startled by the news that three great cotton firms in New Orleans had failed for two and a half millions, and three New York firms at once suspended with liabilities of over nine millions.‡

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* Pennsylvania Inquirer, March 2, 1837.

† United States Gazette, March 8, 1837. The meeting was held March 6.

‡ Silas Wright informed Van Buren that the failure of the Josephs, Jew brokers of New York, and four other houses was a cause of rejoicing, and that it was hoped other firms would be forced to stop. The desperation of these specu-

Money became so hard to get that none but the very best houses could secure any at two and a half per cent. a month. In vain the press urged the people to be calm. There was nothing terrible in the state of affairs, they were assured. No wealth had gone. But more failures were announced, gloom was visible on every face, and a deputation of merchants was sent to Philadelphia to seek aid from the United States Bank.* In response to their appeal Biddle came at once to New York,† and received from the chairman of another meeting a letter signed by nearly a hundred firms. He was asked "to interpose at this juncture" by shipping coin, by selling bills of exchange in Europe, by the issue of post notes payable at Philadelphia, and of bonds payable at some distant day at London, Amsterdam, and Paris. In reply, he promised to have ready by the sailing of the next packet bonds payable in London which might be purchased and remitted in lieu of private bills, thus substituting the better-known credit of the banks for that of private individuals.

That same night a committee was appointed to visit the bank presidents and urge them to increase discounts and afford such other relief as was in their power. The banks readily agreed, the packets put off their sailing for a few days, and when they went carried out remittances consisting of bonds of the United States Bank, of the Morris Canal and Banking Company, endorsed by the Bank of North America, and a small amount of bills of exchange.‡

More failures were now announced, stocks fell, and private bills offered at ten per cent. discount found no

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lators had forced interest to "the enormous rate of seven per cent per month." "I have," he wrote, "heard men of all political parties declare that it was nonsense to talk any longer of Treasury orders and currency bills, or of any action of the national or State governments as either having occasioned the mischief, or as being able to furnish the remedy; that the evil exists in the spirit of wild speculation which had existed for the last two years." Wright to Van Buren, March 21, 1837. Van Buren Manuscripts, Library of Congress.

* Pennsylvania Inquirer, March 29, 1837.

† Biddle's letter to John A. Stevens, March 29, 1837.—Niles's Register, April 8, 1837, Vol. LII, p. 81.

‡ Pennsylvania Inquirer, April 30, 1837. § Ibid., March 30, 1837.

buyers. The Wall Street banks, in hope of preventing a panic, agreed to an immediate discount of one and a half millions beyond ordinary lines, the Manhattan Bank offered to issue a million dollars in bonds payable at London, and the Bank of America to draw on the Rothschilds for a million. But news came from New Orleans that another house had "gone by the board" for five millions, that Baltimore and Boston had begun to feel "the flurry," and stocks went lower than ever. "Stocks are down to-day," said a New York paper, "and the state of feeling is bad." * "Yesterday," said another, "was a day that tried men's souls. The money market was tighter than ever. There were several failures yesterday, principally among our dry-goods people, which class of merchants were considered the cream of New York."† "Business generally," said a third, "is dull, and prices declining on most kinds of merchandise. There were two or three failures yesterday." ‡ Said a fourth, "Stocks continue to fall, failures to take place, and commercial securities to be less and less negotiable. The failure of St. John & Co. carried with it twelve or fifteen houses." § Failures in New York by this time numbered ninety-eight, with over sixty million dollars in liabilities.‖ Three days later the number was given as one hundred and twenty-eight.¶ Laborers were now all out of employment. Book-printing stopped, furniture-makers discharged their hands, and people began to break up housekeeping. Trades unions, it was said, were nullified, and strikes no longer the order of the day. Provisions, wages, rents, prices, came down with a rush.

At a meeting of merchants in the City Hall a committee was appointed to report on an application to the Governor requesting him to urge the legislature to loan its credit for six million dollars for ten years at ten per cent. per annum.

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* New York Journal of Commerce, April 6, 1837.
† New York Transcript, April 6, 1837.
‡ New York Journal of Commerce, April 7, 1837.
§ Ibid., April 8, 1837.
‖ Ibid.
¶ New York Herald, April 11, 1837.

The money was to be used to pay debts due in England, and not to be allowed to get into the hands of speculators.* The Board of Assistants, at the same time, listened to a report of its finance committee on a loan by the city of five millions on real estate.†

By the middle of April failures in New York had reached one hundred and sixty-eight. A few had occurred in Philadelphia, and none in Baltimore, but in both cities money was "distressingly tight." In Charleston, at a conference of bank presidents, it was agreed that for sixty days only ten per cent. would be required on renewals, that weekly discounts would not be lessened, and that bills on the North should be taken at from one to two and a half per cent., according to time.‡ At Mobile, nine-tenths of the merchants had suspended.§ At New Orleans, cotton on which fourteen cents a pound had been advanced would hardly sell at ten cents. Not a bank would buy a bill on New York.‖ About the middle of April the largest cotton house in all the Southwest failed for fifteen millions, and in two days' time eight more followed, aggregating twenty-seven millions of liabilities, and the business world in the city was bankrupt. Every mail from the Southwest brought letters and newspapers full of dismal descriptions of business conditions. Since the first failure in New Orleans, in March, ten first-rate houses and some fifty smaller had stopped payment. One-fourth of the bank directors were insolvent, merchants no longer had confidence in each other, and banks distrusted their rivals and were distrusted by the people. Five per cent. a month was necessary to negotiate the best paper, and a substantial guarantee of ultimate payment must be given, because every mail brought protested bills for large amounts. Excitement, anxiety, panic, pervaded all classes. Importations of foreign goods had been immense, the merchants had fallen heavily in debt, and the commodities with which these

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* Pennsylvania Inquirer, April 25, 1837. The committee reported favorably and were ordered to memorialize the legislature. Ibid., April 17, 1837. The resolutions are in Niles's Register, April 22, 1837, Vol. LII, p. 114.

† Pennsylvania Inquirer, April 10, 1837.

‡ Ibid., April 14, 1837.

§ Ibid., April 21, 1837.

‖ Ibid., April 20, 1837.

debts were to be paid had depreciated astonishingly in value. Tobacco had fallen in price beyond all calculation. Cotton was down from seventeen to ten cents a pound, and no money could be had to buy it at that price. Instead of exporting bread-stuffs, the country, because of scanty crops, had been forced to draw on the granaries of Europe. Since February, 1836, more than a million three hundred and sixty-nine thousand bushels of wheat had been imported from Europe. The cotton factors of Mobile and New Orleans, who made advances to the planters with which to buy land and slaves, and had even advanced on crops not planted, were unable to sell the cotton they had shipped.

Distress meantime spread to the eastward. The shoemakers of Lynn felt the pressure so keenly that a delegation was sent to New York to ascertain the state of affairs in that city. The manufacturers of Haverhill began to curtail business and dismiss hands. Whalers at Salem ceased fitting out their ships; the lumbermen of Bangor and Augusta were without orders, and scores of mechanics and laborers were leaving because of no work.

The committee of New York merchants appointed to confer with the State authorities were met with the proposal that the banks should buy three and a half millions of five-per-cent. stock authorized to be issued for the construction of the Genesee Valley and the Black River canals, pay in instalments, and sell the stock to merchants, who should use it for remittances to Europe.* But such was their distress that another meeting was called to consider the present commercial crisis. The preamble of the resolutions adopted ascribed the wide-spread disaster which had overtaken the business world to the meddling of the General Government with the commercial and business interests of the country; to its interference with the currency; to its destruction of the national bank; to its attempt to substitute a metallic for a credit currency; and to the Treasury order known as the specie circular. The meeting, convinced of the truth of these charges, appointed a committee of fifty to go to Wash-

* New York American, April 25, 1837.

ington and urge Van Buren to repeal the specie circular;* to suspend, till January first, 1838, all suits on merchant bonds which might lie over for non-payment; and to call a special session of Congress at as early a day as possible.†

While the committee was on its way to Washington alarming accounts of distress in the Southwest came by mail. In Mississippi the Governor had assembled the legislature, which it was feared would enact a stop law to delay the payment of debts, and a rumor was current that the people of several counties had taken the law into their own hands, compelled the sheriffs to resign, and that in Yazoo County they had pulled down the court-house. In his message the Governor laid the blame for existing troubles on interstate commerce. The people of Mississippi, he said, were fully competent to manage their commercial operations within their own borders. Just so long, then, as they consented to be tributary to or dependent on a large monopolizing and in some respects a foreign emporium—New Orleans—they must expect to experience disasters. As remedies, he suggested that the banks issue post notes bearing interest and receivable by the State in payment of all demands; that slaves should not be brought into the State for sale, thus checking the drain of capital from the State; and that the railroads in progress should be pushed to completion.

A public meeting at Mobile called on the Governor to summon the legislature in special session and urge it to issue State bonds redeemable in twenty years, and authorize the banks to issue post notes receivable in payment of debts, but on no account to enact any law tending to impair the obliga-

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* Jackson, while on his way home, wrote to Van Buren, making an earnest plea for the specie circular. "You may rest assured," said he, "that nineteen-twentieths of the whole people approve it—all except the speculators and their secret associates or partners." Jackson to Van Buren, Smithland, Kentucky, March 22, 1837. Van Buren Manuscripts.—Rives urged the President to rescind the Treasury order. This was clearly the popular sentiment, as the resolution of Congress, passed at the end of the session and pocket-vetoed, proved. Rives to Van Buren, April 7, 1837. Van Buren Manuscripts.—Cambreleng assured him that the Treasury order fortified the banks of the West, and an Albany correspondent that it saved the banks and thousands of individuals from ruin.

† Pennsylvania Inquirer, April 27, 1837.

tion of contracts. In New Orleans more firms had failed, the levee was deserted, few steamboats came or went, and negroes worth twelve hundred dollars were offered at three hundred.

The New York committee having reached Washington and requested an audience, the President named an hour, suggested that their communication be made in writing, and having read it, answered in writing, declined to repeal the specie circular or summon Congress, but expressed his willingness to consider the suspension of suits on merchant bonds.

Greatly displeased with the President's answer, the committee went back to New York and reported to another meeting, which adopted resolutions denouncing his conduct. The meeting was glad that all the States had not yet chosen members of the next House of Representatives, and hoped Providence would guide the people in their choice; heartily approved of a national bank, and regarded the defeat of Clay's land bill, the removal of the deposits, the veto of the bank bill, the veto of the bill rescinding the specie circular, as sure signs of "an infusion of monarchical principles into our system which demands the prompt and regular action of every patriot.*

The city was then in a state of intense excitement, for on the morning of the day on which the meeting was held the Dry Dock Bank had closed its doors and suspended. On Sunday evening, May seventh, at a general meeting of bank directors, the state of the Dry Dock Bank was laid before them, assurances were given that it could not go through Monday without aid, and help was requested. This was refused, and when Monday came the bank announced its failure. A run on all the banks during Monday and Tuesday forced a meeting of directors Tuesday evening, and on Wednesday, May tenth, all banks save three suspended specie payment. That evening, at a public meeting in the Philadelphia exchange, the banks were recommended to suspend in order to keep their specie, and did so the next morning.†

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* Niles's Register, May 13, 1837, Vol. LII, pp. 165–167.

† Pennsylvania Inquirer, May 11, 1837.

A public meeting approved the act, and councils ordered the issue of loan certificates to the amount of one hundred and thirty thousand dollars to take the place of specie. They were to be in denominations of twenty-five and fifty cents, and one, three, six, seven, and eight dollars,* and receivable for taxes and water rates.

In the far Southwest suspension began before it did in New York.† On May fourth the Planters' and the Agricultural banks led the way; on the ninth the State Bank at Montgomery, Alabama, refused to pay out specie; those in Mobile did so on the eleventh, and in New Orleans on the twelfth.

On the evening of the ninth the Baltimore Board of Trade, after due consideration, reported to a meeting of merchants, waiting in the rotunda of the Exchange, that it was expedient to suspend specie payment on bills under ten dollars; but when news came of the general suspension in New York, the Baltimore banks suspended, and the city government followed the example of Philadelphia and issued small notes in sums of five, ten, twenty-five, and fifty cents, and one and two dollars.‡ The Common Council of New York, however, unanimously rejected a request from the Chamber of Commerce that the city should apply to the legislature for authority to issue small bills.

Suspension of specie payments and the immediate disappearance of silver small change at once brought on a conflict with the Post-Office Department, for the postmaster at Balti-

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* Pennsylvania Inquirer, May 12, 1837.

† The dates of suspension in the chief commercial cities were:

Natchez	May 4	Boston	May 12
Montgomery	" 9	New Orleans	" 12
New York	" 10	Washington, D. C.	" 15
Albany	" 11	Charleston	" 17
Hartford	" 11	Cincinnati	" 17
New Haven	" 11	North Carolina State Bank	" 18
Providence	" 11	Savannah	" 19
Philadelphia	" 11	Augusta	" 19
Baltimore	" 11		

‡ Pennsylvania Inquirer, May 17, 1837. The ordinance is in Niles's Register, May 20, 1837, Vol. LII, p. 170.

more was required to collect all postages in specie, and neither receive nor pay out the notes of banks which did not pay specie on demand. When the people protested vigorously and the postmaster wrote to Kendall, he was told that the funds of the Post-Office Department were part of the revenue of the United States, and were to be collected as the law required.

In a few places, as at Georgetown, in the District of Columbia, and at Gettysburg, Pennsylvania, the banks stood out and continued paying specie, but they, too, were soon forced to succumb; * and as the news of suspension in the great cities spread over the country the banks in time everywhere refused to redeem their notes in coin.

Two results followed. The government had now no banks in which it could lawfully make deposits,† nor, since March third, could its officials pay out bank notes of a less denomination than twenty dollars "in any case whatever in which money is to be paid by the United States," ‡ nor bills of any denomination unless they were payable on demand "in gold and silver coin." Van Buren was thus forced to do what he had declined to do at the request of the New York merchants, and on May fifteenth issued his proclamation summoning Congress to meet in extra session on the first Monday in September.

But the banks in many States had made themselves liable to forfeitures of their charters by suspending specie payments. Demands were therefore made on the Governors by the people for special sessions of State legislatures to authorize suspension, at least for a time. The Governor of Pennsylvania refused to summon the legislature. Present evils, he said, were not caused by the government of Pennsylvania, but by the general government meddling with the currency. Pennsylvania, therefore, could not cure them. To authorize the banks to issue notes under five dollars

* Pennsylvania Inquirer, May 24, 1837.

† "No bank shall be selected or continued as a deposit of public money which shall not redeem its notes and bills, on demand, in specie."—Sec. 5, Act of June 23, 1836.

‡ Act of April 14, 1836, Sec. 2.

would be the infliction of a permanent evil to cure a temporary ill. To exempt the banks from loss of their charters would increase bank-note circulation. A stay law would accustom the people to disregard the obligations of debt. In Louisiana the Governor declined to call a special session, because Congress had sole power to regulate the currency. In New Hampshire, Rhode Island, Virginia, Alabama, and Illinois, acts were passed legalizing the suspension of specie payments for a short time under certain conditions. In Kentucky the Governor declined to summon the legislature In New York and Connecticut, where the legislators were in session, suspension was made legal and the banks relieved from the penalties they had incurred.

At Boston, a report and resolutions by a committee on the issue of small bills was tabled in the Common Council. In Wilmington, where the City Council had ordered the issue of bills, a public meeting adopted resolutions declaring that the legislature, not the City Council, had authority to issue change notes, and that the Governor ought to call the legislature in extra session. The corporation of Georgetown, in the District of Columbia, issued small notes, as did many individuals.* But when the mayor of Washington recommended the City Council to do so, a public meeting opposed the plan as an impolitic and dangerous expedient in direct contradiction to an act of Congress, appealed to the banks to redeem their five-dollar notes in specie, and appointed a committee to visit the banks, and adjourned till the decision of the directors was known. At Philadelphia a public meeting, so large that twenty thousand persons were said to have attended, adopted violent resolutions, and appointed a committee to visit the banks and ask why they had sus-

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* A small-change note of New Orleans read:

Faith of the Second Municipality Pledged

No. 193 12½ CENTS No. 193

Municipality No. two promises to pay to the order of Seth W. Nye, comptroller, TWELVE AND A HALF CENTS, on demand.

J. Doane, *Treasurer.*

New Orleans, *May 20, 1837.*

pended specie payments, and if they would redeem their five or two dollar notes.

The meeting denounced the British party, the British bank, and the British press in the United States, charged the bank with exporting specie in order "to bolster up with the treasure and lawful currency of the United States the ruined fortunes of Europe's monarchies, and leave the American nation to the use of a spurious paper currency"; accused the Common Council of issuing small notes for the purpose of putting silver coin out of circulation, exporting it to Europe and raising the price of all the necessaries of life, and asserted that "the United States are indebted to no nation under heaven." The meeting declared the citizens were sternly opposed to the issuing of paper certificates of stock as substitutes for specie currency, and threatened to prosecute any corporation, company, or individual that offered such substitutes in payment of wages or for articles bought; denounced monopolies in general and moneyed monopolies in particular; considered the banking system one of fraud and oppression; maintained that "hard money" was the only just and legal currency; called for a law forbidding banks to issue paper money; and agreed not to vote for any man who was not opposed to all banks and in favor of gold and silver as the only circulating medium.

The banks told the committee that suspension of specie payments in New York made suspension necessary in Philadelphia.

When this reply was reported to a later meeting, more resolutions were adopted, and a committee of one hundred was appointed to ascertain the most prompt and proper mode of proceeding against individuals and corporations for violating the law by issuing and circulating small notes.

A great Baltimore meeting indorsed the specie circular and the refusal of Van Buren to rescind it, denounced the British bank party and the resolutions of the merchants at New York and Boston, declared that the remarkable coincidence in the time of suspension of specie payment by the banks of Baltimore, Philadelphia, New York, and elsewhere, was proof of the secret acts of the Bank of the United States;

described the banking system as a "well-matured system of fraud and deception," impoverishing the mass of the people and enriching a few, and called on the President to order the Director of the Mint to coin "only pieces of smaller value, as of five, ten, and twenty-five cents."

The Washington committee appointed to request the banks to resume specie payments for small notes reported that they declined, and the meeting, having heard the report, adopted a resolution approving a temporary suspension, if not continued longer than was necessary to prepare for an early resumption. A minority report by one member of the committee having been refused consideration, he called another meeting, which adopted it.

At New York the Locofoco party met, heard speeches from Ming and his followers, endorsed the specie circular, called for the eradication of the "curse of paper money," demanded that the friends of equal rights present "a bold and united front to the chartered violators of man's natural rights and the legalized robbers of the poor," and described the cry of the speculators for a "new national promise factory" to be chartered by Congress, as an insult to the American people.

A meeting in Faneuil Hall to consider the propriety of obeying the "post-office specie circular," approved a report recommending that it should be resisted peaceably if possible, forcibly if necessary, but at all hazards resisted. The postmaster was requested to postpone the execution of the order till he could hear from the department.

Despite the opposition to corporation shinplasters, as the small-change notes were called, the amount put out proved far from enough, and the deficiency was now made good by the issue of more, either by the cities or by individuals.*

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* Those in New York were adorned with cuts of pigs or portraits of individuals.

The bearer will be entitled to
FIFTY CENTS' VALUE IN REFRESHMENTS
At the Auction Hotel,
123 and 125 Water Street.

NEW YORK, *May, 1837.*

CHARLES RIDABOCK.

Thus the city government of Baltimore authorized an additional three hundred and fifty thousand dollars in certificates; the Chesapeake and Ohio Canal Company began to pay wages with its own change notes; and New York and Philadelphia were flooded with the tickets of hotels, coffee-houses, and storekeepers. Where banks were forbidden to issue notes under five dollars they resorted to certificates.* Copper tokens resembling cents, and stamped with designs and mottoes of a political character, were thrown by thousands into circulation. One was inscribed "Bentonian Currency—Mint Drop"; another, "Van Buren Metallic Currency"; on the obverse of a third was a tortoise carrying a subtreasury safe and the legend, "Executive experiment"; on the reverse a running jackass and the words "I follow in the footsteps of my illustrious predecessor." Another hailed the inauguration of Webster as President in 1841.†

Nowhere in all the land were the banks in such condition as in Michigan. In March of 1837 an act popularly known as the General Banking Law was passed by the Legislature for the purpose of introducing competition into a business monopolized by a few favored corporations. Any ten or more freeholders with a capital of not less than fifty thousand and not more than three hundred thousand dollars

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GOOD FOR 12½ CENTS
At Horn's Custom-House Hotel.
J. Horn, Jr.

INDEPENDENCE COFFEE HOUSE
289 Broadway.
GOOD FOR 6¼ CENTS.

BANK COFFEE HOUSE
No. —— No. 39 Pine Street. —— 183
GOOD FOR 6¼ CENTS
In Refreshments.
Earle & Fossett.

* THE COMMERCIAL BANK of Pennsylvania will receive this certificate as FIVE DOLLARS, either on deposit, or in payment of debts due to the institution.
J. Dundas,
Philadelphia, *July 4, 1837.* *Pres't.*

† Niles's Register, November 25, 1837.

might, the law provided, associate and form a banking corporation. Thirty per cent. of the stock must be paid in specie before the bank could begin business; security in bonds and mortgages, or approved bonds of resident freeholders, must be given for the payment of all debts and the redemption of all bills, and failure to pay notes in lawful currency on demand was to effect a loss of charter.

Scarcely had the law been enacted, and before a single bank had gone into business, when the panic burst upon the country; the fifteen old banks suspended, and the Governor called the legislature in extra session. His message was as vigorous a denunciation of the evils of paper money and banks as the most ardent equal-righter could have desired. But neither he nor the legislature understood what he uttered, and in place of repealing the general banking law, suspension of specie payment was authorized till May of 1838, and any ten freeholders with sufficient capital were at liberty to organize a bank and issue notes in a state of suspension. It may well be supposed that banks sprang into existence everywhere. Before the end of the year twenty-one were organized and in full operation.

Thirty per cent. was supposed to be paid in gold and silver. But this provision was easily evaded. In some cases a small sum in specie was paid in, drawn out, and paid in again and again till the required sum was secured on the books.* In others, certificates of individuals falsely stating that they held amounts of specie for the bank were counted as specie. The most common practice was to borrow the specie required, organize the bank, and then pass the coin on from town to town and bank to bank, the very same money serving to "set in motion a number of institutions." †

Many did not even go through these formalities, and had neither banking house, vaults, capital, nor specie. The

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* Documents accompanying the Journal of the Senate of the State of Michigan, 1839, p. 432.

† The story of these operations is told in full in the Report of the Bank Commissioners to the Michigan Legislature in January, 1839. Documents accompanying the Journal of the Senate of the State of Michigan at the Annual Session in 1839, p. 192.

story of the Farmers' and Merchants' Bank of St. Joseph, at Centerville, as told by the Attorney-General, may well be taken as the history of others. The bank had been organized, notice of the fact had been published, and just as it was about to go into operation a "financier" who had acquired "considerable experience in the science of banking, and who thus controlled a manufactory of the most approved material for establishing banks, happened to pass that way," and having his specie certificates, memorandum, and checks all ready, "he succeeded in convincing the original publishers of the notice so fully of his superior skill in financiering, that the whole management of the concern was at once given up to him."

The bills he had with him were intended for the Farmers' and Merchants' Bank of St. Joseph, a village in another county. But the words "at Centerville" were stamped on them in red ink, "and from this circumstance the bank derived its cognomen of 'red dog.'" Nineteen thousand eight hundred dollars in these bills were then "palmed off by the principal financier," thereby violating the law in "thirteen important particulars," for the bank had no corporate existence, no certificate from the bank commissioners, no part of its capital paid in specie, no actual capital, and most of its so-called stockholders were non-residents.*

By the close of 1837 the currency was in such a state that the legislature appointed three bank commissioners, made it their duty to inspect each bank at least once every three months, and forbade any bank organized after January first, 1838, to suspend specie payment. But the law was utterly defied. Twenty-eight were organized after its enactment and issued their notes in a state of suspension.

The commissioners were all activity; but the organizers of the wild-cat banks were too quick for them. Specie which they counted at one bank was packed up and sent on ahead to be counted by them at the next. "The singular spectacle was presented," say the commissioners in their report, "of the officers of the State seeking banks in situations the most

* Report of the Attorney-General, Documents, etc., pp. 518–523.

inaccessible and remote from trade, and finding at every step an increase of labor, because of new and unknown organizations. . . . Gold and silver flew about the country with the celerity of magic; its sounds were heard in the depths of the forest, yet, like the wind, one knew not whence it came or whither it was going." * One bank was found in a sawmill. At another, what seemed kegs of specie were kegs of nails with a little specie on top. As a newspaper said, "every village plat with a house, or even without a house, if it had a hollow stump to serve as a vault, was the site of a bank." † The notes of these banks, despite the efforts of the commissioners, were spread abroad in the community "in every manner and through every possible channel." Property, produce, live stock, everything which the people were tempted by high prices to dispose of, were paid for in notes which the issuers knew were utterly worthless. Every device possible was resorted to by the organizers to shift responsibility, "so that the singular exhibition has been made of banks passing from hand to hand like a species of merchandise, each successive purchaser less conscientious than the preceding, and resorting to the most desperate measures for reimbursement on his speculation." ‡ By the end of 1838, the commissioners estimated, a million dollars of worthless paper was in the hands of the people. The insolvent banks were closed up as rapidly as possible, and by the end of 1839 forty-two had passed out of existence.

As the panic spread and distress and ruin became general, the press, both Whig and Democratic, sought for causes and remedies. The pressure for money in Great Britain, said the Democratic journals, had raised interest from two and a half to five per cent. a year. This stopped the export of money to our country. British merchants were no longer able to accept, with the usual freedom, bills of exchange drawn on shipments of American produce. British capitalists could no longer accept loans secured by American

* Documents accompanying the Journal of the Senate of the State of Michigan, 1839, p. 193.

† Michigan, by T. McI. Cooley, p. 269.

‡ Documents, etc., p. 194.

stock, British manufacturers could no longer give credit to American importers, and when the price of cotton fell five cents a pound in England, and cargoes on which loans had been made would not sell for the money advanced, the great factors of New Orleans and Mobile were ruined. With them went down the planters of Louisiana, Alabama, Mississippi, and Tennessee, who had pledged their crops, and even their anticipated crops, as security for funds advanced by the factors to buy more land and slaves.

With the factors also went down the houses in New York and Philadelphia which were under acceptance of New Orleans bills of exchange drawn in anticipation of shipments or remittances of sterling bills never made. Clearly, from the Democratic point of view, the causes were money stringency in Great Britain and overtrading in the United States.

The Whigs found the causes of financial embarrassment in the removal of the deposits from the Atlantic to the Western States, thus enabling the banks in that section of the country to loan more freely than ever; in the use of this money by speculators to buy government land, and by others to start new banks which issued money for speculation; in the craze for speculation in government land thus started, and the rolling up in the deposit banks of an immense surplus, not in money but in bank credits; in the destruction of the national bank and the consequent rise of hundreds of State banks; in the disorders of the currency produced by driving out small notes in an attempt to create a specie currency; in the manner in which the surplus had been distributed and in the specie circular. The government, not the merchants, from the Whig point of view, had caused the panic.

Political leaders also had causes to ascribe and remedies to suggest. Now is the time, wrote Jackson, to separate the government from all banks. Let it take and pay out nothing but gold and silver, and leave the commercial community and the banks to take care of themselves. Both were money-making concerns devoid of patriotism, each looking to its own interest, regardless of others. The history of the world

had never recorded such base treachery and perfidy as had been committed against the government by the deposit banks. He was pleased to see that the Democracy was uniting on a plan of separating the government from corporations of all kinds, and of collecting and keeping the revenue by its own agents. Reduce the revenue to the real needs of the government, collect it in gold and silver, give no credits, make all payments in coin, and the country would have a metallic currency, no more overtrading, and prosperity in all branches of business.* He hoped no Treasury notes would be issued.

The Federal Government, said Benton, is now a second time paying the penalty for its connection with the paper system. She had lost her revenues, but, thanks to the States, that gave her a public domain, thanks to Jefferson who purchased Louisiana, thanks to Jackson who had rescued the public lands from the hands of speculators, there was land enough left to support the government for many years to come and hard money enough to enable the people to buy it. Jackson's policy had led to the accumulation of eighty millions of gold and silver, and these millions would furnish the mints with plenty of bullion for the coinage of small change and the extinction of the pestiferous issues of paper. The suspension of specie payments by the banks in a time of peace and tranquillity would be the death of the paper system by its own hand.†

John Quincy Adams told a committee that came to present a gold-headed cane, that the government was to blame, but not solely to blame, for the ruin and bankruptcy which had overtaken the country. Unrestrained pursuit of inordinate wealth, and abuse of credit, were the immediate causes, and a national bank chartered by Congress to control all State banks and regulate the currency was the only means of restoring and maintaining specie payments.

Webster, who at the end of the session attended a great Whig dinner given in his honor at Niblo's Garden, in New

* Letter from Jackson, July 25, 1837. Globe, August 9, 1837.

† Benton to S. V. Noland, May 31, 1837, in Missouri Argus. Niles's Register, June 24, 1837, vol. lii, p. 268.

York, and had then gone on a Western tour, expressed his views in a series of speeches, which were read with great interest. In the Niblo's Garden speech, delivered on March fifteenth, he declared himself "opposed to the cession of the public lands to the States; to the collection of revenue beyond the just and reasonable wants of the government; in favor of protection to American labor and industry; against the annexation of Texas, the rapid advance of executive authority, and the specie circular; and in favor of a specie basis for our circulation, and for specie as a part of our circulation, so far as it may be practicable and convenient."

When Wheeling was reached, the panic was sweeping over the country; merchants were failing, the banks had suspended, and the President had called for an extra session of Congress. Reviewing the causes of the panic, he attributed them all to the financial policy of Jackson since the veto of the recharter of the bank, and declared "it is in vain, therefore, to say that the present state of affairs is owing, not to the acts of the government, but to other causes over which the government had no control. Much of it *is* owing to the course of the national government, and what is not so, to causes the operation of which government was bound, in duty, to use all legal powers to control. . . . No doubt we shall hear every cause but the true ones assigned for the present distress. It will be laid to the bank, it will be laid to the merchants, it will be laid to the manufacturers, it will be laid to the tariff, it will be laid to the north star or to the malign influence of the last comet whose tail swept near or across the orbit of our earth, before we shall be allowed to ascribe it to its just, main causes—a tampering with the currency, and an attempt to stretch executive power over a subject not constitutionally within its reach." At Dorchester he declared that the great and interesting question of the currency was before the people, and no relief could be expected till they took these concerns into their own hands.

The contrary view was set forth in an address of the Albany General Republican Committee. The causes of the panic, in its opinion, were overtrading, which rolled up in

Europe a balance of sixty millions against our merchants; the spirit of wild speculation, which drew fifty millions from trade and commerce to be invested in Western lands, cities on paper, and unproductive property; the great fire in New York, which destroyed twenty-eight millions of property; reckless extravagance of all classes; the preparatory steps for the distribution of the revenue, which, it could "not be denied, disturbed exchanges, unsettled the currency, and aggravated the evils" under which the country suffered. The remedies were, no more revenue than the public exigencies required, a divorce of bank and State, and the collection and safe keeping of public funds by public agents.

The Whig State Convention of Ohio called for a national convention of Whigs, to meet at Pittsburg, in June, 1838, and nominate candidates for the presidency and vice-presidency, named William H. Harrison as its choice, and attributed present evils to a succession of abuses and usurpations on the part of Jackson dating back to 1829.

An anti-bank convention at Harrisburg, in an address to the people, drew a dismal picture of deserted streets, of canals and railroads so little used that nearly one-half the boats and cars had been withdrawn, of business stopped, of merchants and mechanics idle, the necessaries of life exorbitantly high, and the means of purchase gone; of creditors pressing, debtors unable to pay, banks closed, specie payment suspended and the laws of the State shamefully violated, and the currency, "the very life-blood of business," so diseased "that a general paralysis has seized upon our prosperity," and threatened "to sweep it with the besom of destruction." Neither the removal of the deposits, nor the specie circular, nor any of the financial measures of Jackson's administration, in the opinion of the convention, had produced this distress. The banks with their credit system had caused it all. In two years' time Pennsylvania alone had increased her banking capital from seventeen millions to fifty-eight millions. The remedy was, make bank stockholders directly and effectively liable, limit the issue of notes to the amount of paid-in capital, and prohibit the circulation of bills under twenty dollars.

The New Hampshire Republican State Convention declared against another Bank of the United States, and asserted that the present state of the currency was proof of the soundness of the policy of Jackson, and demanded that his policy be pursued with unwavering steadfastness by New Hampshire.

A business men's convention at Philadelphia, a meeting composed of delegates from different parts of the country, attributed the depressed condition of business to the craze for speculation and consequent withdrawal of money from the usual channels of business; the distribution of the surplus; excessive issue of bank paper; the extensive and rash speculation in public lands, city lots, and stocks in which men of limited resources had engaged in their zeal "to make haste to be rich"; neglect of agriculture and a consequent importation of bread-stuffs; idleness, luxury, and extravagance, and intense political excitement involving the money-eyed institutions of the country and the ordinary pursuits of business men. A gold and silver currency as the only standard, and a bank paper not redeemable at all times, were condemned as unjust, and payment of duties in cash, distribution of the public land sales, a uniform system of bankruptcy, and the cultivation of silk—of which twenty-three millions' worth was imported during 1836—were demanded.

The views of the President were made public when Congress met in September. They had been assembled, the members were told, because the suspension of specie payment by the banks made it impossible to obey the requirement that the revenue should not be deposited in any bank which did not redeem its notes in specie on demand; because he feared the financial condition of the country would so cut down the public revenue that the government would be unable to pay expenses; because of urgent appeals from merchants for indulgence in the payment of their bonds for duties; and because of the law forbidding the use by the United States of any bank note not convertible, on demand, into gold or silver at the will of the holder. The causes of the panic he gave as "over-action in all departments of business," exces-

sive issues of bank paper, and "other facilities for the acquisition and enlargement of credit."

The consequences of this redundant credit, Van Buren said, were a reckless spirit of speculation; a foreign debt of more than thirty millions; extension to country merchants of credit for goods far beyond the wants of the people; investment of thirty-nine millions in unproductive public lands; the creation of debts to an almost countless amount for lots in existing and anticipated cities and towns; the outlay of immense sums for improvements, many of which had already been found to be ruinously improvident; the diversion, to other pursuits, of labor which should have been applied to agriculture, and the expenditure, in consequence, of more than two million dollars for wheat imported since the first of January, 1837; and the rapid growth, among all classes, of extravagance and luxurious habits founded on merely fancied wealth.

That such a state of affairs should long continue was impossible. Disaster was inevitable, and was hastened by circumstances insufficient in themselves to produce such widespread ruin. The great loss caused by the burning of New York city in 1835, the disturbing effects of the transfers of money under the deposit act, and the measures taken by foreign creditors to reduce their debts and withdraw a large part of the specie from our country, were the immediate causes of our embarrassment.

Matters which needed attention at once were, therefore, the regulation by law of the safe-keeping, transfer, and disbursement of the public funds; a designation of the kind of money to be received and paid by the government; the terms of indulgence to be extended to individuals and banks indebted to the government; and such measures for the relief of the country as were constitutional and proper.

He could never consent, the President said, to the creation of another bank. To a further connection of the government and the State banks he was equally opposed. He was in favor of designating certain public officers to keep and disburse the public money of the government, of receiving and paying out nothing but specie, of a uniform bankruptcy law, of with-

holding the fourth instalment of the surplus, and of issuing Treasury notes to be redeemed as this instalment was collected from the deposit banks.

When the standing committees of the Senate had been announced, the remarks of the President were sent to the Committee on Finance, which promptly reported three important bills. One postponed indefinitely the payment of the fourth instalment of the surplus; another authorized the issue of Treasury notes; the third gave permission to the Secretary to extend the time of payment of each duty bond six months from the day it fell due. Three days later the same committee presented a bill which imposed additional duties, as depositories, on certain public officers.

The Senate had now before it bills providing for such legislation as the President had suggested, and proceeded at once to discuss the postponement of the fourth instalment of the surplus. The Whig leaders were opposed, because withholding it would cause great inconvenience to the States and the people, and because provision could be made to pay it without a great addition to the sum which must be raised for the use of the Treasury. The Democrats supported it, because there were not nine millions and a quarter in the Treasury to distribute, and because the deposit act did not provide for a gift or loan to the States of a specific sum, but a transfer for safe-keeping of a surplus not needed by the government. There was no surplus, nothing to transfer for safe-keeping, and not a cent in the Treasury the government did not need. Why, then, deposit the fourth instalment, when the Secretary of the Treasury might, on October second, demand the return of every cent of it? These reasons prevailed, and by a vote of twenty-eight to seventeen the bill was passed.

The bill authorizing the issue of ten millions of Treasury notes in denominations of not less than one hundred dollars, bearing interest not greater than six per cent., each to be redeemed one year from the date on which it was issued, to be transferred by delivery and endorsement, and to be everywhere receivable for all taxes and duties levied, for all public lands sold by and all debts due the United States; and

the bill to extend the time of payment of merchant bonds, were next hurried through, and that which came to be called the sub-Treasury bill, the divorce bill, was taken up for debate.

By it the Treasurer of the United States, the treasurers of the Mint and its branches, all collectors of customs and surveyors acting as such, all receivers of public money, and all postmasters, were required to keep safely the public money that came into their possession till ordered by proper authority to be paid out or be transferred. Marshals, district attorneys, and patentees might make payments to the Treasurer in Washington, or to the Mint, or to any branch, or, when more convenient, to a collector or receiver. Additional clerks might be hired, and vaults and fire-proof chests for the safe-keeping of the funds might be purchased.

To this bill Calhoun moved an amendment, that from and after January first, 1838, three-fourths of all sums due for duties, taxes, sales of public land, and other debts, might be paid in notes of specie-paying banks; one-half after January first, 1839; one-fourth after January first, 1840; and after January first, 1841, in such notes, bills, or paper issued under authority of the United States as might be directed by law. After that date all disbursements of the United States or the Post-Office Department should be in gold, or silver, or such notes or paper as might be authorized by law.

The debate ran on for two weeks, and in the course of it nineteen Senators made long speeches. The Whigs opposed the bill because it would greatly increase executive patronage; would separate the government from the people; provide one sort of currency, gold and silver, for the government, and another, such as the State banks furnished, for the people; and because it offered no security for the safe-keeping of the funds. It presented a strong temptation to peculation, would lead to favoritism to political partisans in the payment of duties, was unjust to the banks, and ruinous to the prosperity of the country. Specie would be drawn from circulation and from the vaults of the banks and held by the sub-treasuries, and the country be left without sufficient circulating medium

to transact ordinary business. Stripped of specie, the credit of the banks would decline, their paper would depreciate, and with it the price of labor and of every sort of property. The banks, in self-defense, would be forced to curtail loans and call on their debtors for payment. Business would come to a standstill, the farmer would find no market for his wool, his grain, his produce; the merchant would be forced to suspend, the manufacturer to close his factory, the mechanic to dismiss his hands, and the laborer to go without work. Webster took constitutional grounds. It was the duty of the government to go beyond the mere regulation of gold and silver coins, and establish and maintain a paper currency as a medium of commerce for the country. But the message, the bill, and the proposed amendment all denied such a duty, disclaimed such power, and confined the constitutional obligations of the government to the mere regulation of the coins and the care of the revenue. Clay declared that a disunion of the government and the banks would be followed by a disunion of the States.

The Democrats replied that a divorce of bank and State would give the Treasury direct possession and a perfect knowledge of its funds at all times; would relieve it of all trouble with unavailable funds, of all necessity of using its means to sustain the credit of banks when brought into jeopardy by revulsion in trade; would free Congress from bank influence of all sorts, leave the banks to operate on their own capital, and build up public confidence in their integrity independent of government patronage and public money, and stimulate if not compel them to bring their paper to par with gold and silver.

To say that the bill would create one kind of currency for the government and another for the people was false. Who have given the people a base currency? The banks. To whom should the people look for a better currency? To the States? They could not "coin money," nor "regulate the value thereof." Congress alone had power to do these things. Because the banks had flooded the country with notes which did not pass at their face value, must the government bring down its standard to their level? To say that

the bill would fearfully extend the patronage of the government, was absurd. The bill created no new officers. It merely added new duties, new responsibilities, new bonds and securities for a faithful performance of these new duties to a few officers already appointed. Would their places be any more desirable because of these duties? Would the political power of the executive over them be any greater because they were to be held responsible under bond for the safe-keeping of the public money? To say that the effect of the system would be the hoarding of gold and silver in the sub-treasuries, and its consequent withdrawal from business, was ridiculous. If the revenue was made to bear a just relation to expenditure there would be nothing to hoard. What would be received with one hand would be paid out with the other. The specie that came in as revenue would go out as disbursements.

Early in October, by a vote of twenty-four to twenty-three, Calhoun's amendment was adopted, and, by a vote of twenty-six to twenty, the bill passed.

The House laid it on the table, passed the bill to extend the time of payment of duty bonds, amended the Senate bill postponing payment of the fourth instalment, and fixed January first, 1839, as the day when it should become due; and, in place of the Senate bill providing for the issue of Treasury notes in denominations not under one hundred dollars, sent back a bill of its own in substance much the same as that from the Senate, but authorizing notes in denominations as low as fifty dollars. To all these changes the Senate agreed, and on October sixteenth the extra session closed.

The banks meantime had been considering the question of resuming specie payments. At a convention of bank officers of New York city, held in August, a circular calling a national convention of bank delegates to meet in New York in October had been adopted, and a committee appointed to send it over the country. That specie payments should be resumed as soon as possible was admitted to be necessary, but to do so before the foreign debt was paid and the rate of exchange reduced to specie par was held to be impossible. Even then nothing could be done without a concert of the banks in the different sections of the country. In hope,

therefore, of securing general co-operation and agreement to resume some time between the first of January and the first of March, 1838, a convention was called to meet in October.*

A meeting of bank officers in Philadelphia declared such a convention not merely inexpedient, but likely to be injurious, and declined to send delegates. The convention, nevertheless, was held in November, was attended by one hundred and forty-one delegates from banks in nineteen States, and resolved not to fix any date for the resumption of specie payments, and adjourned to meet again on the second Wednesday in April, 1838.

When the appointed day came and the delegates were reassembled, the business before them was again that of fixing a date for resumption of specie. A committee reported in favor of the first of October; but to this the convention was heartily opposed. The New York delegates wanted May first, because the law of their State required the banks to resume on that day. Mississippi wanted July first, 1839, because by that time another crop would have been gathered. Others stood out for the first of June or July, 1838. Finally, by a vote of thirteen States to two, the first Monday in January, 1839, was chosen.† This late date, however, was far from satisfactory. When, therefore, in July, the Governor of Pennsylvania issued a proclamation enjoining the banks of that State to resume specie payment on August thirteenth, another convention was called by the Philadelphia banks, and the agreement entered into that in Massachusetts, Connecticut, Rhode Island, Pennsylvania, Delaware, Maryland, Virginia, Kentucky, and Missouri specie payment should be resumed on August thirteenth. The Ohio banks promptly joined in the agreement, and on the appointed day specie payment was resumed.

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* Niles's Register, September 2, 1837, Vol. LIII, p. 6.

† Seventeen States—Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, North Carolina, Indiana, Illinois, Missouri, and Mississippi, and the District of Columbia—attended.

Maryland withdrew, and New Hampshire and Pennsylvania did not vote.

Some anxiety was felt lest a run should be made on the banks; but reports from all quarters show that little save small change was withdrawn. In New York resumption had already taken place. In New Jersey a law enacted by the last Legislature required the banks to resume on or before August thirtieth. The bank of North Carolina and its branches chose August first. The Charleston banks selected September first, those of Savannah October first, 1838, and those of New Orleans January first, 1839.

CHAPTER LXVI.

ALONG OUR BORDERS.

The financial distress which makes the year 1837 one of the most memorable in our annals was by no means the only issue which the people and the new President were forced to meet. Foreign complications of various sorts arrested public attention. Immigration, the dispute over the Northeast boundary, an insurrection in Canada, trouble with Mexico, and the issues growing out of the proposed recognition of Texan independence, called loudly for treatment.

The steadily increasing stream of immigration, the number of paupers and, it was believed, petty criminals sent to our shores by the parish authorities in Great Britain, the persistence with which these undesirable classes of immigrants clung to the large cities, filling the streets with beggars and the almshouses with inmates, had already led to legislation by the several States; but more, it was felt, was needed.

To such as thought on the matter of immigration, to such as considered the number and character of the newcomers, what they did and where they went after reaching our shores, the time seemed at hand for regulation or restriction. From such statistics as could be had, statistics far from accurate, it appeared that a hundred thousand immigrants were arriving annually. Some brought with them a little money; others, wholly destitute of property, were imported to labor on the railroads, canals, and public works; but the mass either spent their all to purchase a passage, or were deported at the charge of some parish to which their support had become a burden, and landed at some seaport without money,

without friends, and utterly ignorant of the political and social institutions of the society of which they suddenly became a part. Bringing with them all the prejudices of their native land, and while still in character and opinion what they were while a part of some European society, they were in many States invested with the franchise, and the whole administration of government was subject to change by men but just arrived from a land where they possessed no voice in the affairs of state.

Quite as serious, it was said, is the industrial phase. The extent of our unoccupied land, the almost unlimited demand for agricultural laborers, and the steady movement of our farming population from the East to the West, has produced a great demand for European laborers. But, once here, the immigrant does not become a farm hand. The Irish, who come in great numbers, linger about the cities to which they come, or are imported, to labor on public works. The Germans and the Swiss generally seek the West and settle in detached associations, where they speak their own language and retain their own customs, and do not pass by easy transitions into the bosom of American society.

Worse than all is the stream of foreign paupers that has already begun its gloomy procession to our shores. The poorhouses and parishes of England, unable longer to bear the burden of a pauper population, are unloading a part on the United States. Against this the State of New York has at last taken action, and by law imposes fine or imprisonment on the master of a vessel who shall knowingly land within her jurisdiction a convict, whether he come as passenger or member of the crew.* Why not extend this wise precaution to include paupers? Why not urge the enactment of such a law by every one of our maritime States, and States bordering on Canada? The ignorant and improvident immigrant should be looked on as a pupil who is given five years in which to fit himself for the duties of citizenship, and, failing in that, should not become one. The convict and the pauper should be absolutely shut out.

In Louisiana, a joint committee to examine the charity

* Chapter 230, Acts of 1833.

hospital reported that of six thousand and sixty-two persons admitted in 1834, four thousand two hundred and eighty-seven were foreigners, sixteen hundred and seventy-seven natives, and ninety-eight unknown. The city of Boston, alarmed at the steadily increasing burden of supporting alien paupers, sent an agent to examine the state of affairs in the almshouses and houses of industry and correction in the Northern and Middle States. In the almshouses of New York, Philadelphia, Baltimore, and Boston he found forty-seven hundred natives and fifty-three hundred foreigners. Of one hundred and eighty-seven paupers admitted to the poorhouse of Clinton County, New York, in 1833, only thirty-five were natives. In Niagara County the number of alien poor had risen from thirty-three in 1830 to one hundred and eleven in 1835. The overseer of the poor at Rochester assured him that seven-eighths of those who applied for relief came from Europe. So impressed was the General Court of Massachusetts with the evils of what was believed to be the systematic "dumping on our shores" of the paupers of Europe, that a resolution was adopted instructing the Senators and requesting the Representatives to endeavor to secure the passage of a law by Congress to prevent the further introduction of paupers into our country.

In presenting this resolution, Senator Davis referred to the report of a commission appointed by the King in 1833 to collect evidence as to pauperism in Great Britain and report to Parliament. From this report it appeared that in the course of their investigation the commissioners discovered that some parishes had adopted the plan of getting rid of their paupers by persuading them to emigrate to America, and strongly impressed with the wisdom of such action, they recommended Parliament to adopt it. True, it was not expressly suggested that this worthless and depraved class should be sent to us, but it was equally true that to us they came. Immigrants had repeatedly been found in the house of industry in Boston with money given by their parishes sewed in their garments. Out of eight hundred and sixty-six persons received into that institution in 1835, five hundred and six were aliens. Fifty thousand dollars a year

was spent by Massachusetts to relieve such persons. She had attempted to check the evil by requiring shipmasters to give bonds that the emigrants they brought should not become a public charge for a certain period, but to no avail, and national legislation was necessary. Nineteen parishes in eleven counties of England, it was shown, had raised twenty-four hundred pounds to aid three hundred and twenty persons to emigrate. Fifty had come direct to us; the rest went to Upper Canada, whence it was quite certain they had entered the United States. Of five thousand seven hundred and forty persons who landed at New York city during the first half of May, one hundred immediately applied for relief at the almshouse.

Impressed by these facts, the Senate sent the resolution of Massachusetts to the Committee on Commerce, which in the last hours of the session reported the resolution calling for information, which the Senate adopted.

Circulars were at once sent to our consuls, and replies as promptly returned. Those at Belfast, Glasgow, Hamburg, and Rotterdam declared that no paupers were deported from those ports. At Cove of Cork and Waterford information was refused. The consul at Bremen reported that it sometimes happened that families, almshouses, and civil authorities, in order to get rid of troublesome dependents, paid the cost of transportation to America. Most of the German immigrants were persons who, when they paid their passage, had little or no money left, and might therefore become paupers on landing. It was the custom of the government to require of such persons before embarking to renounce allegiance, lest they should return and become a burden. The consul at Hesse Cassel knew that criminals sentenced for life or a long term were given the option of emigrating, and if they went their passage was paid. But he believed the real inducement to emigrate was the low rate of passage. Steerage passage could be had for sixteen dollars, and, to make this pay, shipowners sent agents into the interior of Germany and induced the very poor to emigrate by assurances of two dollars a day as soon as they landed in the United States. Allured by such prospects, old men and women sold their clothes, begged and

scraped money together in every way to pay the passage, only to land as paupers.

At Liverpool and Kingston-upon-Hull the consuls knew of no exportation of paupers; but while aware that the parishes assisted emigrants, convicts were never sent, nor inmates of workhouses, nor the aged or decrepit. Such as went were young persons who had made imprudent marriages, and poachers, and these always received from five to ten pounds over and above their passage and provisions.

The collector of customs at Boston reported that few British immigrants arrived at that port. Irishmen came by way of Nova Scotia, New Brunswick, and Eastport, but no paupers were sent from Europe. The Baltimore collector had no reason to believe that any paupers had been brought there from Great Britain. The collector at Philadelphia sent a report of the guardians of the poor, showing that during the year ending in November, 1836, twelve hundred and sixty-six alien paupers were admitted to the almshouse and fifteen hundred and fifteen natives. From the reply of our consul at London it appeared that during the last seven years two thousand and more paupers had left the port of Rye for New York city, and a few from Deal, Holden, Northbourn, and other places in Kent.

Though our consuls abroad could find little proof of the departure of paupers, there was abundance of evidence at home of their arrival. New York was especially infested by them, and thither they were brought in open and deliberate defiance of the law. Captains of ships or vessels landing passengers in New York, whether they came from a foreign country or from another State, were required to report to the mayor, within twenty-four hours, the name, place of birth, last legal residence, age, and occupation of each passenger. Every person not a citizen of the United States, coming to the city to reside, must report to the mayor within twenty-four hours, under penalty of a hundred dollars' fine. But about the middle of May the mayor was informed that the masters of certain ships had landed passengers in New Jersey and sent them over to New York, in violation of the law of the State. Indignant at the open evasion of the

act, the mayor at once served notice on the commanders of all ships, vessels, steamboats, and ferryboats that in future the law would be enforced. But the notice had not been posted two weeks when the British ship *Lockwoods*, from Liverpool, arrived at quarantine with three hundred and fifty steerage passengers. The health officer gave orders that they should wash and clean their clothes and come ashore, that the ship might be cleansed. The consignees, however, secured a tug, took the ship to Perth Amboy, and sent the immigrants on lighters to Jersey City, whence they were to go to New York. At Jersey City the authorities stopped and then took them to New York to be sent back to quarantine.

Scarcely had this been done when the health officer informed the mayor that three ships, bringing, all told, nearly eight hundred immigrants, had passed quarantine, with orders to land their passengers at Amboy, whence they were to go to New York. The Commissioners of the Almshouse at the same time complained to him that many of the aliens previously landed at Amboy had already made application for admission to the house, and asked that the evasion of the law be laid before the Common Council.

Of those who came by the ship *Lockwoods*, some began to beg the very day they reached the city; others, the first night ashore, sought shelter at the watch-houses; still others went to the office of the Commissioners of the Almshouse, and not a few applied for aid at the home of the mayor. His Honor, when bringing the matter before the Common Council, declared that he was satisfied that a settled determination existed in some parts of Europe to send their famishing hordes to New York. So eagerly was the city sought that an extra charge of two dollars a head was made to bring immigrants thither. Nearly two thousand came each week. Already the streets were filled, he said, with wandering crowds of foreigners unaccustomed to our climate, without money, friends, or employment, almost destitute of food or raiment, and bringing with them opinions not in harmony with the spirit of our government. New York had no serious turnouts, no riotous parades, no conspiracies

against the business of industrious American operatives till after the arrival of mischievous strangers. Some of these foreigners, in their mad career, had lately recommended to a large assemblage of citizens that they should come armed to all future public meetings. These wild strangers should be taught that to do so is not "peaceably" to assemble, as provided in the Constitution. Many, it was true, were orderly, well-disposed men; but many were not, and if foreign paupers and vagrants came for political purposes, it was proof that our naturalization laws ought to be revised, and the term of residence necessary to qualify aliens to vote and hold office greatly extended. No passengers should be allowed to land unless bonded. A city ordinance provided that, instead of demanding indemnity bonds, the mayor might require such a sum as he thought fit, up to ten dollars, for each passenger. Henceforth he should exact ten dollars from each alien.

The committee appointed to report on the mayor's message drew a picture quite as dismal. Nearly all of the immigrants, it was stated, were absolutely penniless, and reeking with filth due to long confinement on shipboard and an habitual want of cleanliness. Once in the city, they roamed the streets in bands of homeless, houseless mendicants, or sought help at the almshouse door. Crime followed destitution, and the prisons and hospitals were crowded with aliens who had never contributed a cent to the general welfare.

As the metropolis, the emporium of the country, New York had a duty to perform for the good of the country at large. She was bound to prevent the jails and workhouses of Europe from pouring their felons and paupers into her streets, thence to spread over the land. During 1836 no less than sixty thousand five hundred aliens arrived at the port of New York. During 1837 the number would probably be greater yet, as they were coming in at the rate of two thousand and more a week. Of three thousand inmates of the almshouse, three-fourths were aliens. Of twelve hundred and nine persons admitted to Bellevue, nine hundred and eighty-two were foreigners. In view of the seriousness of the matter, the report recommended that the mayor corre-

spond with the authorities of New York and New Jersey touching the better enforcement of the health laws and the passenger act.

What was taking place in New York was also going on in Boston, in Philadelphia, in Baltimore, and was the cause in each city of a steady spread of native American feeling and a demand for a change in the naturalization law. Our principles, our institutions, our national existence, it was said, were threatened by an influx of ragged paupers, bringing in their persons and opinions the elements of degradation and disorder. So strong was the feeling in Washington, that in July, at a great meeting in one of the theatres called by upward of seven hundred subscribers, the Native American Association of the United States was formed and a constitution adopted. The declared purposes of the association were: Procure a repeal of the naturalization law; use every proper means to exclude foreigners from office under State and the general government; have no connection with general or local politics; aid no politicians or political party whatever; join no religious sect or denomination, but seek with the help of like associations throughout the country to cherish the native American sentiment, to absolute exclusion of foreign opinions and doctrines introduced by foreign paupers and European political adventurers. Resolutions were adopted favoring the establishment of a native American newspaper and the appointment of committees to solicit subscriptions for it in Baltimore, Philadelphia, New York, and Boston. An address stated the purposes and principles of the association, and urged the formation of like associations everywhere.

In Boston, one Sunday in June, as a company of firemen were returning from a fire they met a number of Irishmen waiting to form a funeral procession. A fight followed, but was soon quelled, and the engine company went on to its house. Meantime an alarm of fire was given, and as another company was on its way in search of the supposed fire it came suddenly on the funeral procession, broke through its ranks and threw it into confusion. A rush was made by the Irishmen for a neighboring woodpile, and, thus armed, they fell

upon the firemen. Two other companies now arrived, a general fight ensued, the spectators took sides as natives or Irishmen, and the latter were driven down Broad Street to Purchase. There the mob, which had followed in the rear of the firemen, attacked the houses of the Irish, sacked them, threw the contents into the street and demolished everything. The furniture, beds, bedding, trunks, and the contents of a couple of groceries, were strewn about the streets, and several Irishmen found hiding in cellars were dragged out and beaten. The air, it was said, was filled with feathers, and some thirty houses were sacked. After three hours of rioting the militia appeared and made some arrests. Beyond the fact that the men of one party were Irish and those of the other natives, no cause whatever could be found for the riot.

At the next session of Congress the Native American Association at Washington presented a memorial signed by nearly nine hundred members, praying that the naturalization act be amended.

A still more serious complaint against Great Britain was her persistent refusal to come to an agreement on the Northeastern boundary. Since the rejection of the decision of the King of Holland, the dispute over the boundary had been the cause of endless complaints, correspondence, and resolutions, by the people in the disputed territory, the authorities of New Brunswick, Maine, and Massachusetts, by the British Minister and the Secretary of State. Yet the issue was seemingly as far as ever from settlement. Now it was the land agent of Massachusetts reporting that people from New Brunswick were cutting trees, preparing lumber for market, and building mills in the disputed territory. Now it was the British Minister asking if it were true that the United States intended to occupy Mars Hill as a military station and protesting against such occupation; or charging Maine with exercising jurisdiction in the territory and attempting to set up a town government at Madawaska; or reporting the arrest of certain inhabitants of Maine accused of making a forcible inroad on the territory of New Brunswick in search of an offending Irishman; or complaining that land agents of Maine and Massachusetts were offering to buy pine

timber cut on the territory in dispute; or that Maine had opened a road beyond the conventional frontier with the avowed intention of reaching the river St. John. Now it was the land agent of Massachusetts complaining that timber, which he had seized as cut without authority on the disputed territory, had been taken from him by the British warden and sold.

In 1831 and 1832 both Maine and Massachusetts adopted resolutions denying that the convention of 1827 was constitutional, and in July, 1832, the Secretary of State informed the British Chargé that the Senate did not consider the decision of the King of the Netherlands as obligatory, and proposed a new negotiation for determining the boundary and settling the question of the right to navigate the river St. John.

Nearly a year passed before the British Minister replied that the navigation of the St. John and the boundary of Maine were issues that must be discussed separately, and that to seek a settlement of the boundary by a new negotiation was utterly hopeless. The Secretary thereupon suggested a commission, chosen in either of two ways: An equal number of members appointed by each government and an umpire named by a friendly European sovereign; or a body of scientific men appointed by some crowned head to make a new survey and to be accompanied by agents of each party.* If, when more accurate surveys had been made, it was found that a line due north from the St. Croix would not meet the highlands described in the treaty of 1783, then another line which would meet them might be adopted. Again the British Minister declined to consider the idea of a new commission, but expressed the belief that the time had come to abandon the faulty description of the treaty and agree on a purely conventional line of boundary, and asked for a fuller explanation of Livingston's suggestion of such a line.†

Livingston answered that if the highlands could not be

* Sir Charles R. Vaughan to Livingston, April 14, 1833. Senate Document 24th Congress, 1st Session, No. 414.

† Livingston to Vaughan, April 30, 1833. Executive Document No. 414, 24th Congress, 1st Session.

found in the course of a due north line, they should be sought to the west of it, and when found a line should be drawn to them from the source of the St. Croix.* Sir Charles Vaughan then proposed that, before going farther with this question, the United States should accept the ruling of the King of the Netherlands on the two points on which he had made a plain and positive decision. These were, the northwest head of the Connecticut River, and that the forty-fifth parallel should be resurveyed and correctly located; but that Rouse's Point, whether above or below the true parallel, should belong to the United States. Assurance should also be given that the President would have power to carry into effect any agreement that might be reached.

McLean, who succeeded Livingston as Secretary of State, replied that his government did not consider any part of the decision of the arbitrator as binding. The question submitted to him was not a part of, but the entire, northeast boundary from the source of the St. Croix to the St. Lawrence. On this he had expressed nothing but opinions. He had not decided what spot is the northwest angle of Nova Scotia, nor which are the highlands spoken of in the treaty, nor which is the northwest head of the Connecticut, nor which is the true boundary from the northwest head of that river along the forty-fifth parallel to the St. Lawrence. Having failed to decide the points necessary to be ascertained for the purpose of establishing the boundary, the great objects of the treaty and the convention of reference were defeated.

To accept his suggestion of a conventional line was not possible for constitutional reasons. The United States could not cede any of the soil of Maine, whose boundary was defined in the treaty of 1783. One part of this defined line was the "highlands," which the President proposed should be found by actual survey conducted by skillful persons on the ground.

Before such a search could properly be undertaken, Sir Charles contended the surveyors must know exactly what was

* Livingston to Vaughan, May 28, 1833.

meant by "the highlands" they were to find. The treaty limited them to such as parted the waters flowing into the St. Lawrence from those entering the Atlantic. Great Britain had contended, and the arbitrator had taken the same view, that the Restigouche and the St. John did not enter the Atlantic. A clear agreement on this point should therefore be reached if a new commission of survey was to be appointed.

Forsyth declined to bind the commission by any such limitation. Great Britain then proposed a due north line from the St. Croix to the St. John, up that river to its southernmost source, and thence to the head of the Connecticut, in such a way as to divide the disputed territory in parts as equal as possible. This, too, was declined; but an offer was made to ask the consent of Maine to the adoption of the St. John River from its source to its mouth as a boundary. This was declined, but Great Britain would agree to a commission of survey provided the commissioners were instructed to search for highlands of such a character that they would be acceptable to both parties. Forsyth then asked which of the two modes of selecting the commission as proposed by the United States would be satisfactory to Great Britain; but nearly two years passed before he was answered.

Displeased by this inaction, Massachusetts sent to Congress resolutions calling on the Executive to secure a speedy settlement of the northeastern boundary dispute;* the Senate asked for a copy of the correspondence relative thereto;† Congress appropriated twenty thousand dollars for surveying and marking a line due north from the source of the St. Croix River; and the Legislature of Maine adopted two sets of resolutions. One declared it was the duty of the Federal Government to provide for the defense of the frontier of the States; that this constitutional obligation ought not to be evaded, neglected, or delayed, and called on the Maine delegation in Congress to use their influence to obtain a liberal appropriation for the defense of Maine and the Union.‡ The

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* Senate Documents, 24th Congress, 1st Session, Vol. III, No. 267, March 1, 1836.
† May 21, 1836.
‡ Approved March 30, 1837.

other complained of British usurpations and encroachments on the northeastern part of the State, of the hostile spirit these pretentions showed on the part of a nation with whom we were at peace, bade the Governor call on the President to cause the northeastern boundary to be explored, surveyed, and monumented according to the treaty of 1783, asked for the coöperation of Massachusetts, and urged firmness, vigilance, and resolution as the true policy of the State.*

At the same session of the legislature at which these resolutions were adopted a law was enacted providing for the distribution of Maine's share of the surplus revenue among the cities, towns, and plantations of the State. The basis of distribution was to be population, to ascertain which a census was ordered to be taken.† Ebenezer Greely was appointed an enumerator by the authorities of Penobscot County, went to the Madawaska settlement, and, while engaged in counting the people, was arrested by the authorities of New Brunswick and carried to Woodstock, where he was discharged by the sheriff.

Returning to Madawaska he resumed his census-taking, and was so engaged when the warden of the disputed territory again put him under arrest, took him to Fredericton, and lodged him in jail. All these facts were promptly reported by the Lieutenant-Governor of New Brunswick and by Greely to the Governor of Maine,‡ who laid them before Secretary Forsyth without delay. The letter of Greely did not state the offense for which he was arrested, nor whether the place where the arrest was made was within or without the disputed territory. To make a formal demand for his release was therefore, Forsyth held, impossible; but as soon as full information was obtained, a demand for his release was made on the British Minister by Forsyth and on Lord Palmerston by Stevenson.# To this his lordship made no reply,

* Resolves of the State of Maine, Chapter 54, March 25, 1837.

† Laws of Maine, Chapter 265, Act of March 3, 1837.

‡ Greely to the Governor of Maine, June 12, 1837. The Lieutenant-Governor, etc., to the Governor of Maine, June 12, 1837.

Forsyth to the Governor of Maine, July 14, 1837; Stevenson to Forsyth, August 21, 1837; Stevenson to Lord Palmerston, August 10, 1837.

and as Greely still remained a prisoner, a second note was addressed to him demanding a prompt release and indemnity.*

While this note remained unanswered the whole northern border was thrown into excitement by the destruction, by armed men from Canada, of the American steamboat *Caroline* while moored to the New York shore. After patiently enduring for nearly half a century what they considered gross misrule, the people of Lower and Upper Canada, in the autumn of 1837, rose in rebellion against the Crown and appealed to the Americans over the border for aid and comfort. But it was not till blows had actually been exchanged at Montreal, St. Denis, and St. Charles; not till the troops were called out, leaders arrested, and houses burned; not till the little church at St. Eustache had been bombarded and the patriots within it shot or burned alive; not till citizens of American origin, in mass meeting assembled at Montreal, denied that the sympathy or support of people of the United States would ever be enlisted in the cause of the disaffected, and pledged themselves to counteract by earnest and constant effort the treasonable designs of the seditious, that our countrymen along the border began to act. Then in Middlebury and Burlington, St. Albans and Troy, Rochester and Buffalo, meetings were held and resolutions of sympathy and support adopted. Money and provisions, ammunition and clothing, were collected; volunteer companies were organized, and committees appointed to distribute supplies. As the patriots were pressed harder and harder, and news came of their defeat at Montgomery's tavern near Toronto, and of the dispersion of a force under William Lyon Mackenzie, interest in their cause rose higher than ever. At Franklin, in New York, a great meeting protested against the action of the Montreal Americans, and adopted resolutions approving the course of the patriots. At Oswego a meeting pledged the citizens to aid and assist the patriots in Canada in every legal and constitutional way, and appointed a committee to receive subscriptions of money.

* Stevenson to Palmerston, November 8, 1837.

At Lockport, Ogdensburg, Montpelier, and Buffalo like meetings followed in quick succession. One of several at Buffalo was opened by singing the Marseilles hymn, and had been roused to great enthusiasm by speeches when the chairman fairly set it aflame by announcing that Mackenzie, on whose head a great price had been set, had escaped from Canada and would address the people the following night. Mackenzie, the chairman said, was in his house, and called for six volunteers to guard it. The whole meeting volunteered, and, forming a procession, escorted the chairman to his home. At the meeting on the following night, when Mackenzie told the story of his country's wrongs, of the desire of his people for independence, and of their defeat, such excitement prevailed that even the newspapers warned the people not to be rash.

Despite the warning, volunteer companies were organized for the invasion of Canada, the flag of the patriots, a tricolor with two stars, was displayed from the staff on the Eagle tavern, and presents of arms, ammunition, clothing, and provisions were brought to headquarters.

Well aware that an invasion of Canada from the United States would never be allowed, Mackenzie and the refugees, some twenty-five in number, crossed over to Navy Island, in the Niagara River just above the falls. There a provisional government was established, a proclamation offering land to all who would join the army was issued, and paper money payable when the new government should be established was freely circulated. Volunteers came in, and Rensselaer Van Rensselaer of Albany was appointed military commander and began the work of fortifying the island and drilling the troops.

As news of the occupation of the island spread, offers of aid and assistance came to Mackenzie by every mail. Surgeons, engineers, physicians, officers in the militia of the border States, prompted by love of adventure, hatred of Great Britain, or want of employment, made haste to tender their services. A society sent word that it had money for the cause, and if the law allowed, would enlist one hundred men. One man offered four hundred acres of Canadian land.

Another informed Van Rensselaer that there were in Batavia three cannon, a hundred balls, two thousand stands of arms, and five hundred cartridges. A third sent cartridge boxes. The people of one town provided blankets, boots, shoes, and stockings. Those of another, blankets. A baker gave one hundred and seventeen loaves of bread. A score of riflemen, veterans of the last war, offered their services. Silas Fletcher, who went along the frontier beating up volunteers, reported from Watertown that men with two field pieces and arms were on their way to Navy Island, and that at Sackett's Harbor a procession, with flags and cheers, led him to town. One friend warns the patriots that a negro has been sent to poison the food, that the United States Marshal is about to interfere, and that the United States Government will demand the return of guns said to belong to it. Again and again the letters gave notice of pieces of artillery, guns, grapeshot, powder, provisions, and armed men that were coming to aid the patriots. A sympathizer who forwards a cannon states that for thirteen years he has been keeper of a state arsenal; that when he took charge he found a gun in the village, but not in the arsenal, and had therefore never included it in his returns, and that when he mentioned his intention to present it, the citizens offered to pay for the mounting and equipping. A letter from Batavia states that four loads of volunteers have gone and that another is about to start. Thus in a few days' time the twenty-five men who went to Navy Island with Mackenzie were increased to six hundred, provided with arms, ammunition, cannon, and clothes.*

The Government, meantime, had not been idle. When the first reports of the insurrection in Lower Canada reached Washington, letters were sent by the Secretary of State to the governors of Vermont, New York, and Michigan asking for the prompt arrest of all parties engaged in any preparations of a hostile nature against the territory of Great Britain.†

* The Life and Times of William Lyon Mackenzie, by Charles Lindsey, Vol. II, pp. 132–139.

† Forsyth to the Governors, December 7, 1837.

The district attorneys along the borders of Vermont, New York, and Michigan were urged to be watchful of all movements of a hostile character, and prosecute without discrimination all violators of the laws for the preservation of peace.*

These orders were given not a moment too soon, for the whole border was in arms. The collector of customs for the Burlington district wrote that after the battle of St. Charles many of the patriots fled from Canada and gathered in Swanton and Highgate, two little towns in Vermont close to the border; that great sympathy was felt for them; that the citizens had furnished them with three cannon, small arms, powder, lead, and munitions of war; that thus supplied they entered Canada, were met and beaten by the royal troops, lost two cannon, and fled back to Swanton.† The Mayor of Buffalo ‡ informed the President that three meetings of sympathizers had been held, that the second was larger than the first, and the third was the largest ever known in Buffalo. Men were openly engaged in gathering arms and ammunition, and enrolling volunteers for the avowed purpose of invading Canada. A handbill calling for volunteers to meet in front of the theater prepared to set out for the seat of war was followed by the assemblage of a number of men armed and equipped. Surrounded by friends and abettors they marched out of town; but soon after midnight returned, entered the courthouse, took from the sheriff two hundred stands of arms belonging to the State arsenal at Batavia, and two field pieces, and then marched to Black Rock.

The collector of the port of Buffalo Creek wrote to the district attorney, told a similar tale, stated that Mackenzie had just left the city with about one hundred men to join the patriots at Navy Island, and asked for instructions. Some, he said, thought that the attorney should come, investigate, and prosecute. Others believed that if arrests were

* Forsyth to the District Attorneys, December 7, 1837.

† Wright to Forsyth, December 16, 1837, enclosing the Collector's letter. Executive Documents, 25th Congress, 2d Session, No. 74, pp. 32, 33.

‡ J. Trowbridge to Van Buren, December 14, 1837. Ibid., pp. 30, 31.

made bloodshed would follow.* A Canadian in Plattsburg, on business, wrote from Burlington to Governor Marcy that at Plattsburg a company of forty men were armed, equipped, and drilling; that each volunteer had signed an agreement to march into Canada when required, and that the village barber was making bullets. At Chateaugay another company was forming.†

The attorney for the Vermont district now hastened to Swanton and St. Albans, and reported that the arms furnished at Swanton had been gathered by Canadian Frenchmen, not by citizens of the United States, and that after the defeat and return of the patriots the town authorities had disowned them. From the United States Marshal came word that forty soldiers, with two pieces of cannon, had left Rochester, and that three-fourths of the people were heartily in sympathy with the patriots. The collector at Lewiston reported the number of men at Navy Island as five or six hundred, with nine pieces of cannon belonging to the State. The district attorney declared that six or seven hundred stands of arms, the property of New York, had been taken at Buffalo and Batavia, and that all the State artillery in Niagara County had gone to Navy Island.‡

Alarmed at the occupation of the island by a force said to be fifteen hundred, but in reality never more than six hundred, the Governor of Upper Canada sent Colonel McNab to occupy Chippewa, opposite the island, and prevent a landing, and on the twenty-eighth of December came himself, with four hundred volunteers. Rumor had it that he had landed on Grand Island, which was separated from Navy Island by a half mile of water. Grand Island is American soil, and as its occupation would have given the loyalists a great advantage, the rumor caused angry excitement at Buffalo. A town meeting was therefore held at once, and resolutions adopted calling on the British to withdraw and threatening an attack if they did not. The district

* Pierre S. Parker to N. S. Benton. Executive Document No. 74, 25th Congress, 2d Session, p. 35.

† William Lyman to Governor Marcy. Ibid., pp. 36, 37.

‡ Ibid., pp. 43–45.

attorney, likewise, sent a note to Colonel McNab at Chippewa and to Van Rensselaer at Navy Island. Judge McLean bore the former, was assured that no landing had been made, that the invasion of any part of our territory by any person in arms would be an act of outlawry and would be dealt with accordingly. Twenty-four hours later just such an invasion took place.

In the course of the day, December twenty-eighth, positive information came to Colonel McNab that a little steamboat called the *Caroline* had been hired by the patriots to bring cannon, stores, and volunteers to Navy Island from Fort Schlosser. This place had once been the site of an old French fort, but no trace of it then remained, and, save for a house which served as a small inn, a warehouse, and a wharf to which boats might make fast, no sign of human habitation was visible.

The *Caroline* had been seized during the summer of 1837 for smuggling, and lay at Buffalo when the patriots took possession of Navy Island. The demand for boats for the carriage of sightseers, volunteers, and supplies to the island led the owner of the *Caroline* to repair her, cut her out of the ice, and prepare to run her between Schlosser, Buffalo, and Navy Island.*

Her first trips were made on December twenty-ninth, when she ran from Buffalo to Black Rock Dam, Tonawanda, Navy Island, and Schlosser, and twice from Schlosser to Navy Island, carrying passengers, a cannon, boards, lumber, and such freight as offered.† McNab, who had been fully informed by men in Buffalo that the *Caroline* was to be employed in the service of the rebels,‡ had detailed two officers to watch for her on that day, and when they reported

* Deposition of Wells. Gould's Stenographic Reporter, Vol. II, p. 47. Trial of Alexander McLeod.

† Deposition of Wells, Gould's Reporter, Vol. II, pp. 47, 48.

‡ Alexander McLeod, whose trial in 1841 brought us to the verge of war with Great Britain, declared he was the man who informed McNab both of the fact that the *Caroline* was to be used to aid the troops in Navy Island, and that she was to begin her trips on December 29. Gould's Reportor, Vol. II, p. 209. See also pp. 169, 170. McNab in his deposition denied that information came from McLeod. Ibid., pp. 123, 124, 126, 127.

that she had been seen to land a cannon and some men armed and equipped as soldiers and had dropped anchor under the east side of the island, at once ordered Captain Drew, a commander in her Majesty's Royal Navy, to gather a force of volunteers for a secret expedition that night.* When all was in readiness, the men were marched in a body to the beach at the mouth of Chippewa Creek, put on board a little flotilla of seven rowboats, and Captain Drew instructed to find and destroy the *Caroline*.†

The night was moonless, and it was near midnight when, after rowing or tracking up the river for three-quarters of a mile, the boats put off into the current and floated with the stream toward the island. The Canadians had expected to find the *Caroline* at Navy Island,‡ but discovered her fast to the wharf at Schlosser, and went quietly on with the current till within a few yards of her. Schlosser, because of its nearness to Navy Island, was the place of departure of men and supplies, and since the occupation of the island numbers of men gathered there every day. On the night in question so many came that the little inn could not contain them, and several who asked for quarters on the boat were allowed to come on board. A watch had been set as usual, and it was he who, well after midnight, aroused the sleepers with the cry, "Turn out, boys, the enemy are coming!"# But before the men could gather their clothes and make for the shore, the Canadians clambered on board and began the work of destruction. As to just what took place the testimony of the captors is most conflicting. Captain Drew declared in his report that five or six were killed on the deck;‖ another declares that he helped convey a wounded man on shore, that he saw no one killed on board, but

* Deposition of Sir Allan A. McNab, Gould's Reporter, Vol. II, pp. 121, 122. Trial of McLeod. Ibid., p. 286.

† Ibid., p. 127. John Harris in his testimony states that seven started and five reached the *Caroline*, and that there were exactly forty-one men in the five boats. Ibid., p. 131, also p. 137.

‡ Captain Drew's Report to Colonel McNab, December 30, 1837, Executive Document No. 302, p. 62, 25th Congress, 2d Session.

Evidence of John Harris in McLeod's trial, Gould's Reporter, p. 132.

‖ Captain Drew's Report to Colonel McNab, December 30, 1837.

that Captain Drew cut down one man, disabled another, and drove three before him, hastening them with the point of his sword as he made them step ashore.* A third states that one was killed, his death being caused "by a blow from me immediately after he had wounded me." † A fourth thinks one was killed and two or three wounded.‡

When all were driven ashore, the *Caroline* was set on fire, towed into the current, cut loose, and is said to have gone over the falls. After the capture of the boat it was discovered that Amos Durfee lay on the wharf dead. A bullet had entered the back of his head and come out of his forehead.

On the following morning the district attorney took the sworn testimony of the owner, the captain, and others who were on board the boat, and sent it to Van Buren with the statement that the whole frontier was in commotion, that it would be hard to prevent the people avenging by force of arms the flagrant invasion of our territory, and that the sheriffs of Erie and Niagara had called out the militia to aid in keeping peace. The captain, in his affidavit, declared that of the thirty-three persons on the boat when attacked, twelve were missing and must either have been killed or carried over the falls. General Scott was at once dispatched with letters to the Governors of New York and Vermont asking them to call into service such a military force as he might deem necessary, and a correspondence opened with the British Minister, Henry S. Fox.#

Fox waited to receive a report from Sir Francis Head, Lieutenant-Governor of Upper Canada, and then forwarded it to Forsyth. Sir Francis gave an account of the Canadian Rebellion, and of the aid afforded by citizens of the United States; described the attack on the *Caroline*, asserted that she was guarded by an armed force at the inn, called the men a gang of pirates, and asked if Upper Canada was bound to refrain from acts of self-defense against a people whom

* Evidence of W. S. Light, Gould's Reporter, pp. 140, 141, 143.

† Evidence of Stephen McCormick, Gould's Reporter, p. 171.

‡ Evidence of R. Armoux. Ibid., p. 150.

Messages and Papers of the Presidents, Vol. III, pp. 399, 401–404.

their own government either could not or would not control. Forsyth replied that the statement of facts presented by Sir Francis was at variance with the information received by the United States. But admitting it to be true, it furnished no justification for the act of aggression committed on the territory of the United States.

On the island matters had gone badly with the patriots. Early in January, Mackenzie, while on his way to Buffalo with his wife, was arrested on the charge of raising an armed force within the borders of the United States to be used against her Majesty's province. He was quickly liberated on heavy bail, and returned to the island, which for a few days was heavily bombarded. It was now so apparent that further supplies of men and ammunition from the United States would not be allowed, that on the thirteenth of January the patriots crossed to Grand Island, where a force of American militia had been stationed, surrendered their arms, and went back to New York. At Grand Island Van Rensselaer was arrested.

The excitement, by this time, had spread to the Michigan frontier. At Detroit subscription papers were circulated, supplies purchased, several hundred men enrolled and drilled, and on January fourth, 1838, four hundred stands of arms were openly seized at Monroe. That night the State arms were taken from the Detroit arsenal, and on the night following the jail was raided and stripped of all the arms and ammunition deposited there for safe-keeping. Several attempts to secure a steamboat to carry the men and arms were frustrated by the United States officials. But a schooner named the *Ann* was finally obtained, the arms and a hundred men were hurried on board, and the order given for the members of the expedition to go quietly to Gibraltar, a little town on the Michigan shore, near the mouth of the river. Some four hundred accordingly gathered there; but word came down from Detroit that Governor Mason was descending the river with a strong force, and the patriots at once set off for Bois Blanc, a British island, opposite Fort Malden. By some mistake they brought up on Sugar Island, a place within the jurisdiction of the United States. The next day

a small body under General Sutherland landed on Bois Blanc, ran up the tricolored flag of the patriots, and issued a pompous proclamation. But the schooner *Ann,* having sailed around to the foot of the island and drifted ashore, was fired on and taken by the Canadians. On hearing the noise of the guns, Sutherland put out in a boat, and seeing the enemy clambering up the side of the vessel, fled back to Sugar Island, followed by his men. Affairs on the island now grew serious. No supplies arrived, food became scarce, the ice descended the river in great quantities, and the chances were that the men would soon be without provisions and unable to get away. In this state of affairs the officer in command appealed to Governor Mason, and begged him to come to the island and disperse the troops. Mason consented, came down to the camp in a steamboat, took on board the arms and ammunition, and landed the men safely at Gibraltar.

Once on shore, they went inland a few miles, where for some ten days they were drilled without arms. The United States Marshal now got out some sixty writs, and armed with these called on the commanding officers, and offered, if the men dispersed, to return the writs unserved. The offer was accepted, and the men marched to Gibraltar and disbanded. Later in the winter two other attempts at invasion were made, one at Fighting Island, and another at Point au Pellee Island, both of which ended in failure.

Thousands of refugees had by this time found a shelter in our country. But they were without good leaders, without organization, and without any plan of united action. At a meeting of patriots at Lockport, in March, it was decided, therefore, to appoint a committee to ascertain the number, names, location, and condition of all refugees along the border, and draft articles for the Canadian Refugee Relief Association. This association was to redress the grievances and mitigate the sufferings of the patriots, was to send agents over the country to form branch unions wherever possible, and adopt such measures as would best conduce to the general welfare.* The organization was quickly

* Life and Times of William L. Mackenzie, p. 186.

formed, and, though its purpose was apparently benevolent, several members of the committee soon made themselves conspicuous in a couple of border forays.

In the River St. Lawrence were the Thousand Islands, many of which were within the jurisdiction of the United States. They were small, heavily wooded, had steep rocky sides and no inhabitants, and were well adapted as hiding-places for men bent on desperate ventures. Some of them, therefore, had been taken possession of by the refugees, who, having nothing else to do, were easily persuaded, by a member of the committee who had come there to organize branch associations, to attempt the destruction of a Canadian steamboat by way of revenge for the burning of the *Caroline*. The vessel selected for destruction was the *Sir Robert Peel,* a steamboat that plied between Prescott and Kingston, carrying freight and passengers. It was her custom, in making this trip, to stop at one of the Thousand Islands called Welles, to take on wood, and about two o'clock in the morning of May thirteenth, while so engaged, she was suddenly boarded by a band of some forty painted and disguised men, who, with cries of "Remember the *Caroline!*" overpowered the crew and captured her. The crew and passengers, of whom many were women, were driven on shore, such money as could be found was seized, and the boat cut loose and set on fire. After drifting a short distance, she burned to the water's edge.*

As the island was within the jurisdiction of the United States, reports of the act were at once sent to Washington by the deputy marshal, the district attorney, and Governor Marcy. A dozen men were arrested, and rewards offered by Marcy for the capture of four more. A force of militia was sent to the frontier, and an officer dispatched to search the islands. He reported that at Abel Island he found clothing, a set of silver spoons, and three camps. Marcy assured the Secretary of War that to make a thorough search would require five hundred men with boats, that he believed

* Executive Documents, 25th Congress, 2d Session, Vol. XI. Document No. 440.

lawless bands had depots of arms and ammunition on several islands, and that to dislodge them would require the coöperation of the Canadian authorities. Of the men arrested, but one was an American citizen. All the others were refugees driven from Canada by the recent disturbances.*

While the excitement was at its height, another vessel was attacked, this time on the Canadian shore. After the burning of the *Sir Robert Peel* the Canadian authorities had stationed guards at various points with orders to watch for the appearance of armed men, and to give the alarm. On June second, as the American steamboat *Telegraph* was passing a wharf at Brockville, Upper Canada, she was hailed and ordered to come to by two sentinels on the wharf. On refusing to do so each fired three rounds. For this they were promptly arrested, examined, and swore that they did not fire at or into the boat, but into the air, and their intention was merely to give the alarm. Those on the steamboat declared that one ball entered the ladies' cabin, another the engine room, and a third the cook's galley. No demand was made by either government on the other for reparation, and both incidents were allowed to drop. Troops, however, were ordered to Sackett's Harbor, Plattsburg, and Swanton, and a steamer manned with fifty armed men was assigned to duty on each of Lakes Erie and Ontario.

In Michigan, by this time, organization had been carried out on a grand scale. Lodges were formed and the members sworn to bear true allegiance to the Sons of Liberty engaged in the cause of Canadian independence, obey the orders of their superior officers, and never divulge any plans of the association; commissions were sent to trustworthy men in the United States and in Canada to form lodges, and a hundred couriers and spies appointed to gather and transmit intelligence to the commander-in-chief at Detroit. Each had a beat of ten miles to cover daily, and must report at either end to others. Two hundred companies, of one hundred men each, were to be enrolled in Canada, and held

* Marcy to Poinsett, June 3, 1838, Executive Document No. 440, 25th Congress, 2d Session, Vol. II.

ready to rise at a moment's notice. July fourth was then selected as the day for an attack on Windsor, a little village opposite Detroit, and a plan was formed to rob the arsenal at Detroit. But the guard was unexpectedly changed the day before the attack, and the expedition failed for want of arms.*

Another secret oath-bound association, with a network of lodges all along the border from Vermont to Michigan, was that of the Hunters. Their oath pledged each member to defend and cherish republican institutions and ideas, combat and help to destroy every power of royal origin on our continent, and never to rest till all British tyrants ceased to have any dominion in North America.† The members were divided into degrees, had signs, grips, and passwords, and were believed by government spies to number many thousands. These Hunters lodges planned the next invasion of Canada, and in November sent a force over the border from Ogdensburg to make an attack on Windsor. But again United States officials interfered, cut off their supplies and seized their steamboats, and the attempt ended in defeat and disaster, and called forth another proclamation from Van Buren and some remarks in the annual message.

The same message informed Congress that Russia declined to renew the article of the convention of 1824, which permitted our citizens for ten years to enter the interior seas, gulfs, harbors, and creeks north of 54° 40′ for the purposes of fishing and trading with the natives. The action of Russia north of 54° 40′ was, however, of far less importance just then than the action of the British south of 54° 40′.

The story of the Oregon country was left at the time when Wyeth returned to Cambridge, and Jason and Daniel Lee were appointed missionaries to the Flathead Indians. At a missionary meeting in New York, in October, 1833, three thousand dollars were voted for an outfit, and authority given the Lees to travel about the country, raise the money, and join some company of fur traders early in the spring of

* Life and Times of William L, Mackenzie, Vol. II, p. 194.
† Ibid., p. 199.

1834. But news of the arrival of Wyeth soon followed, and Jason Lee was instructed to visit and consult him. Wyeth gave what information he could, offered to carry their supplies in a vessel he proposed to send around Cape Horn, and invited them to join him in the overland journey in the spring. The offer was accepted, and in March Wyeth and the two Lees, with five companions, met at Independence, in Missouri. There they joined a company of fur traders under Sublette, and late in April set off for the far West. Their route was across the Kansas River, up the west fork of the Platte and the Laramie to the rendezvous of the trappers on Green River, and thence to a place in what is now Idaho, where Wyeth remained to build Fort Hall. Driving their cattle before them, the missionaries, with half-breeds and Indians under an agent of the Hudson Bay Company, went on to Walla Walla, where the cattle were left to be transported by barge, while the Lees and their companions went by canoe to Fort Vancouver.

Much of the Oregon country was at that time in possession of the Hudson Bay Company, and was dotted with forts and trading-posts. At the north of the Columbia River, on the site of Astoria, was Fort George, a fort only in name, for the stockade was in ruins, and the sole representative of the company was the white trader in charge. Farther up the river, some six miles east of the mouth of the Willamette, was Fort Vancouver, consisting of a strong stockade twenty feet high, with bastions, surrounding the dwellings and offices of the Hudson Bay Company's servants. It was the great stronghold of the company, and the place of residence of Dr. John McLaughlin, chief factor, and in fact governor of the company in Oregon. Within the fort were the warehouses, magazines, workshops of all sorts, and the store; without, arranged along a street, were some forty-nine log houses, occupied by the Canadians, half-breeds, and Hawaiians, all of them servants of the company. Nearby was the farm of three thousand acres where grain and vegetables were raised, cattle and sheep pastured, and fruits of many kinds cultivated. There, too, was a flour mill and threshing machine worked by horse or ox power, and a few

miles away, on the bank of a stream, a sawmill where lumber was made for use at the fort and for shipment to Hawaii.*

Two hundred miles up the Columbia from Fort Vancouver was another stockaded post, Fort Walla Walla, and a hundred and thirty-eight miles farther up the river, Fort Okanagan, and a hundred miles beyond this, Fort Colville. It stood, like the others, on the bank of the river, was the supply post for the forts and trading stations north of the Columbia, and ranked second in importance to Fort Vancouver. Northward and westward on the Kootenais, the Spokane, and the Flathead rivers, and Lake Pend d'Oreille, were the trading-posts, and a mile from the head of Puget Sound was Fort Nisqually, another stockade inclosing warehouses, magazine, and dwellings. Far to the south of the Columbia, on the Umpqua River, which enters the Pacific, was Fort Umpqua, and far to the eastward, on the Snake River, near the mouth of the Boise, stood Fort Boise, the first of the company's posts in what is now Idaho. On the same river was Fort Hall, built in 1834 by Wyeth. At the mouth of the Willamette, on Wapato Island, was Fort William, also built in that year by Wyeth. Farther up the valley and some forty miles south of the Columbia, at a place called French Prairie, was a settlement of a dozen families of French-Canadians, old servants of the Hudson Bay Company.

Such, in brief, was the state of settlement of the Oregon country when the Lees reached Fort Vancouver in the autumn of 1834. With as little delay as possible they began the work of exploration for a mission site, went up the valley of the Willamette, and some sixty miles from its mouth, on a broad grassy plain, found a spot to their liking on the east bank. Thither, with all possible speed, they removed their goods and cattle, and began the labor of building log cabins and barns.

While so engaged, they were surprised one day by the

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* Report of W. A. Slocum, Reports of Committees, 25th Congress, 3d Session, No 101, p. 32.

arrival of a dozen men, led by Hall J. Kelley and Ewing Young, on their way to Fort Vancouver. But the reputation of some of the band was none too good, and Kelley found, on reaching the fort, that the Governor of California had described them, in a letter to McLaughlin, as horse thieves, banditti, dangerous persons, and that not one of them could enter the gate. Kelley, however, was treated with kindness, was given quarters in a cabin without the stockade, and in the spring was provided with money and taken in one of the Company's ships to Hawaii, whence he made his way to Boston.

While Kelley was on his way East, another band of missionaries was wending its way West. In the spring of 1834, the Presbyterian Church, through its American Board of Commissioners for Foreign Missions, sent out Samuel Parker, John Dunbar, and Samuel Allis, as missionaries to the Flatlands.* They reached St. Louis too late to join the annual expedition of the American Fur Company, so Parker came East, while Allis and Dunbar went on, and took up their labors among the Pawnees. Early in 1835, however, Parker set off again, and at St. Louis met Marcus Whitman, a physician, whom the Board had appointed his new associate. The two missionaries proceeded to Liberty, on the Missouri River, joined the fur-trading party, and went with it by way of Fort Laramie to the trappers' rendezvous on Green River. There Dr. Whitman extracted an arrow-head from the back of Bridger, a famous frontiersman, whose name is still borne by Fort Bridger in southwestern Wyoming, and another arrow-head from the shoulder of a trapper who had suffered from it for several years. Such a display of surgical skill astonished the Flatheads and Nez Perces, and made them more eager than ever to have such white men live among them. It was agreed, therefore, that Whitman should go East, secure assistants, and return the next spring, while Parker, escorted by the Flatheads and Nez Perces, went on to the Columbia River. He

* They were to be sustained by the Dutch Reformed Church of Ithaca under the direction of the American Board.

reached Fort Vancouver in November, 1836, was kindly received by McLaughlin, and in the spring set off for the rendezvous at Green River, but was forced to abandon the attempt. After several months spent in exploring Oregon, he sailed for Hawaii, and in the spring of 1837 was back in Ithaca. There he wrote and published a journal of his tour, one of the best of the early descriptions of Oregon.

When Whitman left Green River and started eastward, his purpose was to secure enough assistants to found two mission stations, one among the Flatheads and another with the Nez Perces. In this he was disappointed, and in March of 1836 he set out on his return with a wife he had just married. At Pittsburg, by good fortune, he met H. H. Spalding, a young minister lately graduated from the Lane Theological Seminary, who, with his bride, was on his way to the Osage Indians as a missionary. Spalding and his wife were finally persuaded to join Whitman and his wife, and the four went on to Liberty, where the party was increased by the arrival of William H. Gray, two Indian boys, and a lad of sixteen from Iowa.

Wagons, teams, riding horses, pack animals, and sixteen cows were purchased, blacksmith tools, a plough, grain for seed, and clothing for two years, were placed in the wagons, and under escort of the fur company's caravan the long journey across the plains was begun. At Laramie the fur-traders left their carts. But the state of Mrs. Spalding's health led Whitman to keep one of his light wagons, and in this she made the journey over the South Pass to the Green River rendezvous.

While the party rested at Green River, Wyeth arrived. He had sold his forts to the Hudson Bay Company, and, having delivered Fort William, was on his way with a chief factor of the company to deliver Fort Hall. This done, the trader was to return to Vancouver. His offer to accompany the missionaries thither was willingly accepted, and after a delay of a few weeks the little party once more resumed its way. The farming and blacksmith tools and other heavy articles were left at Green River, but the light wagon was dragged as far as Fort Hall, where two wheels were removed,

and thus cut down to a cart, it was taken on to Fort Boise, where it was left, the horses being no longer able to pull it.

September first came before the party arrived at Fort Walla Walla, and the twelfth before Vancouver was reached and the first white women to cross the plains and the mountains were safe within the stockade. The site chosen by Parker for the mission station was at Waiilatpu, on the bank of the Walla Walla River, and there, and also at Lapwai, a few miles above the mouth of the Kooskooskie, or Salmon River, trade houses were built. By Christmas, 1836, the Whitmans were at Waiilatpu and the Spaldings at Lapwai.

The return of Kelley and the publication of his book arrested the attention of the Secretary of State, and led him, in November, 1835, to send William A. Slocum to Oregon to examine into the truth of Kelley's statements. Slocum went first to California, and finding no means of conveyance to the Columbia, proceeded to Hawaii. There he chartered an American brig, arrived safely at Fort George, and was taken by canoe to Fort Vancouver, which he reached early in January, 1837, not long after the departure of the missionaries, Whitman and Spalding, for their posts. He visited the Methodist post on the Willamette, and early in February, sending his brig to San Francisco, he made his way overland to that city, whence he sailed for San Blas and came by way of Mexico to Washington. Trouble over the payment of expenses followed, and in December, 1837, he addressed a memorial to Congress accompanied by a report.*

The memorial of Slocum was followed by a message from Van Buren. In October, Senator Linn, of Missouri, an earnest and persistent advocate of our right to Oregon, persuaded the Senate to call on the President for the correspondence with any foreign government relative to the occupation of the territory of the United States west of the Rocky Mountains, and for information whether any part of it was in the possession of any foreign power.†

At the opening of the regular session Van Buren for-

* Memorial of W. A. Slocum, Senate Document No. 24, 25th Congress, 2d Session, Vol. I.

† Senate Journal, October 16, 1837.

warded a brief reply from the Secretary of State * so little to the point that Linn presented a bill to organize the Oregon territory, spread the revenue laws over it, establish a port of entry, erect a fort on the Columbia, hold the country by military force, and appropriate fifty thousand dollars for these purposes. Unless something were done, and that quickly, he believed that the country, in the course of five years, would pass from our possession. Buchanan supported him heartily. The time had come, he said, to insist on our claim to Oregon or abandon it. Information presented by Mr. Slocum made it clear that the Hudson Bay Company was building forts, cutting the timber, sending it to market, and acquiring the allegiance of the Indian tribes, while we looked on patiently. There were too many unsettled questions with Great Britain, and this one ought to be settled at once.

The bill was sent to a select committee, and a few days later Linn asked that the Secretary have prepared a map of all the country claimed by us west of the Rocky Mountains, and send with it all information about Oregon he might have in his possession.† In the House, Caleb Cushing moved a call for the correspondence with any foreign government respecting our title to the Oregon country, and when the reply of Van Buren was received, moved that it be referred to the Committee on Foreign Affairs, with instructions to report on the expediency of establishing a post on the Columbia River.‡

The Senate Committee reported in June, made long extracts from the memorial of Slocum, presented a map of the Oregon country and another of the Columbia River for a distance of ninety miles from its mouth, quoted from the journal of Spalding, the Encyclopedia of Geography, Lewis and Clark, Prevost, and Irving; cited the passage of the mountains by Mrs. Spalding and Mrs. Whitman as proof that "the great obstacle to a direct and facile communication between the Mississippi Valley and the Pacific Ocean has

* Executive Documents, 25th Congress, 2d Session, Vol. II, No. 43.

† Senate Journal, February 13, 1838, p. 226.

‡ House Journal, March 19, 1838, and May 11, 22, 23.

vanished," and presented a bill authorizing the President to use the army and navy to protect the persons and property of residents in Oregon.*

About the time Slocum was leaving Oregon, a ship arrived at the Sandwich Islands with the first reinforcement sent out by the Methodists to their mission on the Willamette. The party, or missionary family, numbering sixteen, men, women, and children, left Boston in July of 1836, went round the Horn, and reached Honolulu so late in the winter that they remained there till spring, and did not arrive at Fort Vancouver till May of 1837. Of the newcomers one was a physician, another a blacksmith, another a ship-carpenter, but the women and many of the men were bent on missionary work. Scarcely had they settled down to the work in hand when a second ship from Boston, with supplies and more workers, reached Fort Vancouver, and raised the number at the station to some sixty, of whom twenty-five were missionaries and their children.

A new station was now established at the Dalles, and as Jason Lee determined to go East for more help, a meeting of settlers was held in March of 1838, and a memorial asking Congress to extend its jurisdiction over Oregon was adopted and signed by thirty-six missionaries and settlers on the Willamette. After alluding to the natural features of the country, its climate, and the commercial advantages it offered for trade with China, Japan, and the islands of the Pacific, as strong inducements for the government to take formal and speedy possession, the petitioners set forth the benefits such control would confer on them. Hitherto, good order had been maintained by the moral influence of, and a feeling of dependence on, the Hudson Bay Company. But this could not go on forever. Emigrants would surely come, and as population increased the feeling of dependence on the Hudson Bay Company would diminish, and what would then be the state of affairs was a matter of anxious concern. As the founders of what must be a great State, they were desirous to give "tone to the moral and intellectual character

* Senate Documents, 25th Congress, 2d Session, Vol. V.

of its citizens." Whether future settlers should be reckless and unprincipled adventurers, or the hardy and enterprising pioneers of the West, was for Congress to decide.

Toward the close of the year Lee reached New York, and shortly after Congress assembled, sent the memorial to Caleb Cushing, chairman of the House Committee on Foreign Affairs. At the opening of the session his committee, as instructed at the last session, had reported on the expediency of establishing a post on the Columbia, had approved the idea, and had presented a bill much the same as that introduced into the Senate.*

In order to report on the second part of the instruction, the extent of seacoast, number of harbors, climate, soil, productions, and trade, Cushing next wrote to Lee, Wyeth, Kelley, the Secretary of the Oregon Provisional Emigration Society of Lynn, and the Secretaries of State, War, and the Navy, and presented their replies as a supplementary report in February, 1839. But no legislation followed.

The Missouri frontier for two years past had been in a state of civil war. The arrival of the Mormons in Clay County in the autumn of 1833 was followed by nearly three years of peace. As time passed, however, and more and more of the sect came in, and none showed signs of departing, the Gentiles began to realize that the day was coming when county rule would be entirely in the hands of the Saints. To this they were as little disposed to submit as the men of Jackson County, and in June of 1836 they, too, began active measures to drive out the Mormons. A public meeting was held at Liberty and a committee appointed to draft resolutions expressive of the sense of the people. When the Mormons, said the committee in its report, fleeing from their persecutors, came "to Clay County, a friendless, penniless, buffeted people, seeking an asylum, their destitute condition excited the deepest sympathy, and they were received, tolerated, and treated with peculiar kindness." They had always said that they regarded Clay County not as their home but

* Reports of Committees, 25th Congress, 3d Session, Vol. V, Report No. 101, January 4, 1839.

as a temporary asylum, and that, when required by a respectable portion of the people, they would go in peace. The time for the fulfillment of their pledge had now arrived. They were detested because they were "Eastern men, whose manners, habits, customs, and even dialect," were "essentially different from our own"; because they were non-slaveholders, had kept up a constant communication with the Indians on the frontier, and had "declared from the pulpit that the Indians are a part of God's chosen people," destined of Heaven to inherit the land in common with themselves.*

As a means of arresting the rising feeling of hostility, the committee urged the Mormons to put an immediate stop to the immigration of their brethren, and seek an abiding place where the manners of the people were more like their own. The Territory of Wisconsin was recommended because it was free-soil, but sparsely settled, and because the few inhabitants there were from the North and East. Unless they would go civil war was inevitable. A committee of ten was then appointed to confer with the Mormons and report.

The Saints in their reply denied that they were opposed to slavery, or favored abolition, or had held communication with the Indians, or claimed any county, or country, or land, save such as they bought with money. For peace sake, however, they promised to leave Clay County.† This answer was read to a second meeting at Liberty in July, was accepted as satisfactory, and a committee was chosen to raise money to aid the removal of the Mormons.‡

When these proceedings were made known to the authorities of the Church at Kirtland, they wrote to the Liberty committee, denied the charges brought against their brethren, promised that they would go, and in another letter to the Mormons advised them to do so.# The place selected was

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* The Liberty resolutions are given in full in History of the Church of Jesus Christ of Latter Day Saints, by Joseph Smith and H. C. Smith, Laomi, Iowa, 1902, Vol. II, pp. 56–62. They are taken from Far West, a newspaper printed at Liberty.

† Messenger and Advocate, Vol. II, pp. 359, 360.

‡ History of the Church of Jesus Christ of Latter Day Saints, Vol. II, pp. 63–65.

Idem, pp. 72, 73.

Ray County, and to this, during the summer of 1836, they began to remove. The legislature in December organized it as Caldwell County,* with Far West as the county seat, and there, on the wild prairie, a little town of log huts was quickly erected.

At Kirtland, meanwhile, the business enterprises of the Church were far from prosperous, and in hope of preventing financial ruin, application was made to the Legislature of Ohio for a bank charter. It was refused, and thereupon Smith organized the Kirtland Safety Society Bank, with a capital of four millions, and sent Cowdery to Philadelphia to procure a plate for the notes, and Hyde to Columbus to secure a charter. When this failed the society was reorganized as the Kirtland Society Anti-Banking Company. But Cowdery brought back two hundred thousand dollars in printed bills of the old company. A stamp was therefore procured and each bill so changed as to read "The Kirtland Safety Society Anti-Banking Co. will pay," and in defiance of the law the notes were put in circulation. The fraud was too apparent, and in March of 1837 an information was filed against Rigdon and Smith, and they were arrested and convicted in October.† An appeal was taken on the ground that an anti-banking company was an association, not a bank. But ere the appeal could be reached, the bank, in November, 1837, closed its doors, and Smith and Rigdon fled to Far West.‡

From the day these men arrived trouble began. In April of 1838 Smith announced a revelation commanding a temple to be started on July fourth, and stakes to be planted in the neighboring counties. In May, accordingly, on the bluffs of Grand River in Daviess County, they founded Adam-ondi-Ahman, and planted another stake three miles from Gallatin, the seat of Carroll County. On July fourth the corner stone of the temple was laid with much ceremony. The event of

* Laws of Missouri, Act approved December 26, 1836.

† History of the Church, Vol. II, p. 83.

‡ For an account of the organization of the Safety Society see History of the Church, Vol. II, pp. 89–92. A facsimile of one of the notes is given in The Story of the Mormons, and in Kennedy's Early Days of Mormonism.

the day was an address by Rigdon, ever since known as the salt sermon, which in time powerfully affected the destiny of the Church.

Trouble began during an election at Gallatin, in August, when an attempt was made to prevent the Mormons from voting. A fight ensued, and when the news reached Far West, Smith and Rigdon, with a volunteer party of one hundred and fifty, started for Gallatin. Finding no mob, they visited a justice of the peace named Adam Black, a well known hater of Mormons, forced him to sign a paper to the effect that he would not molest them so long as they did not molest him, and went back to Far West.

Indignant at what they considered an armed invasion of their county, several citizens of Daviess County secured warrants for the arrest of Smith and Lyman Wright, charged with being leaders. But when the sheriff called on Smith, who was beyond his jurisdiction, he decided not to serve the warrant. The report now spread that Smith and Rigdon had resisted arrest, and the Missourians made ready to take them by force. Smith, in alarm, sent for General D. R. Atchison and General A. W. Doniphan, leading lawyers in Missouri, who advised him and Wright to surrender and stand trial before Judge King of Daviess County. They did so, and were bound over for a hearing in September.

Ere the day for the trial came the authorities at Far West heard that a wagon load of firearms was on its way from Richmond to the people of Daviess County, and sent the sheriff after the wagon. He seized the guns, and those in possession of them were held for trial on the charge of smuggling guns to a mob. Both parties now rushed to arms. General Atchison, who commanded a division of militia, sent General Doniphan with a force of men to Far West, where he recovered the guns and released the prisoners. He found the county in a state of civil war. Some three hundred citizens of Daviess, Carroll, and other counties were assembled at a place called the Campgrounds, near the county seat, and about the same number of Mormons at Adam-ondi-Ahman. Both parties disbanded when ordered, but armed bands scoured the county, committing depredations of every

sort. The Mormons ran off cattle and hogs, burned houses, made a night attack on Gallatin, and set fire to some dwellings and stores. The Missourians struck back, and when a band of them threatened Far West, a company of Mormons fell upon, fought, and routed them. The Missourians in revenge attacked a Mormon settlement, drove the settlers into a blacksmith shop, and killed a score of them. The Governor thereupon ordered General Clark to raise four hundred men and "exterminate" the Mormons or drive them from the State. Late in October, accordingly, General Lucas set off for Far West, and surprised and demanded the surrender of the town. His terms were, give up the leaders, make over their property to pay for damage they had done, leave the State, and deliver their arms of every sort. The conditions were accepted, and Smith, Rigdon, Platt, Wright, and some forty-six others were made prisoners and lodged in the jail at Richmond. The hearing accorded them was a disgrace to the judge, and ended with sending Smith, Rigdon, Wright, and three others to the jail at Liberty on charge of treason, and Platt and four companions to the Ray County jail on charge of murder, and requiring twenty-three others to give bail on charges of burglary, robbery, larceny, and arson. Rigdon made his escape in February. Smith and his companions were indicted in Daviess County for murder, treason, burglary, and a long list of crimes, but secured a change of venue to another county, and on the way thither, in April, 1839, escaped, and fled to Quincy, Ill., where the Mormons found a temporary shelter when driven from Far West.

The resolution of the Senate in February, 1837, recommending the President to make one more demand on Mexico for the redress of grievances, was followed by the appointment of Powhatan Ellis as minister, and by the dispatch of Robert Greenhow as special messenger to make the final demand. The documents he carried consisted of fifty-seven subjects of complaint, with such evidence as each required, and a letter addressed to the Mexican Minister of Foreign Affairs. Treasure, he was told, belonging to citizens of the United States, while in transit from Mexico to the coast,

had been seized by Mexican officers; vessels of the United States had been captured, detained, condemned on the most frivolous charges, unlawful duties had been imposed on others, and some had been ruined in the Mexican service without compensation to their owners; citizens of the United States had been robbed and murdered on the high seas by Mexican officers, and some thrown into prison and kept there without any statement of the offenses charged; the house of the American Consul at Matamoras had been forcibly entered and sentinels posted before his door. The list was indeed a formidable one and clearly showed a defiant spirit on the part of Mexico. These wrongs, Forsyth stated, were of a character not to be tolerated by any self-respecting nation, and that the demand then made for reparation was final.*

Greenhow was instructed to present the papers in person, state that he would wait one week, and then start for home.† The demand was presented in July, and nine days later the Minister of Foreign Affairs replied that the shortness of the time before the return of Greenhow made an explicit answer to each claim impossible, but that steps were being taken to examine each, and that the Mexican minister in Washington would inform Forsyth of the decision of the President of Mexico.

In the meantime, on May twentieth, just one week before Greenhow received his instructions, the Mexican Congress authorized Bustamente to offer to submit our claims to arbitration, and if we denied satisfaction for her claims on us, or continued the aggressions already begun, to close the Mexican ports to our trade, forbid the introduction and use of our manufactures, and take all measures necessary for the safety of the republic.‡ The offer to arbitrate, however, was not communicated to Forsyth till December twenty-second, some weeks after Van Buren had sent in the annual message, in which he had announced that although a new minister from Mexico had been received, he had little reason to hope that any efforts of the Executive would be successful,

* Executive Document No. 3, 25th Congress, 2d Session, Vol. I, pp. 31–112.

† Idem, p. 112.

‡ Congressional Globe, 25th Congress, 2d Session, p. 62.

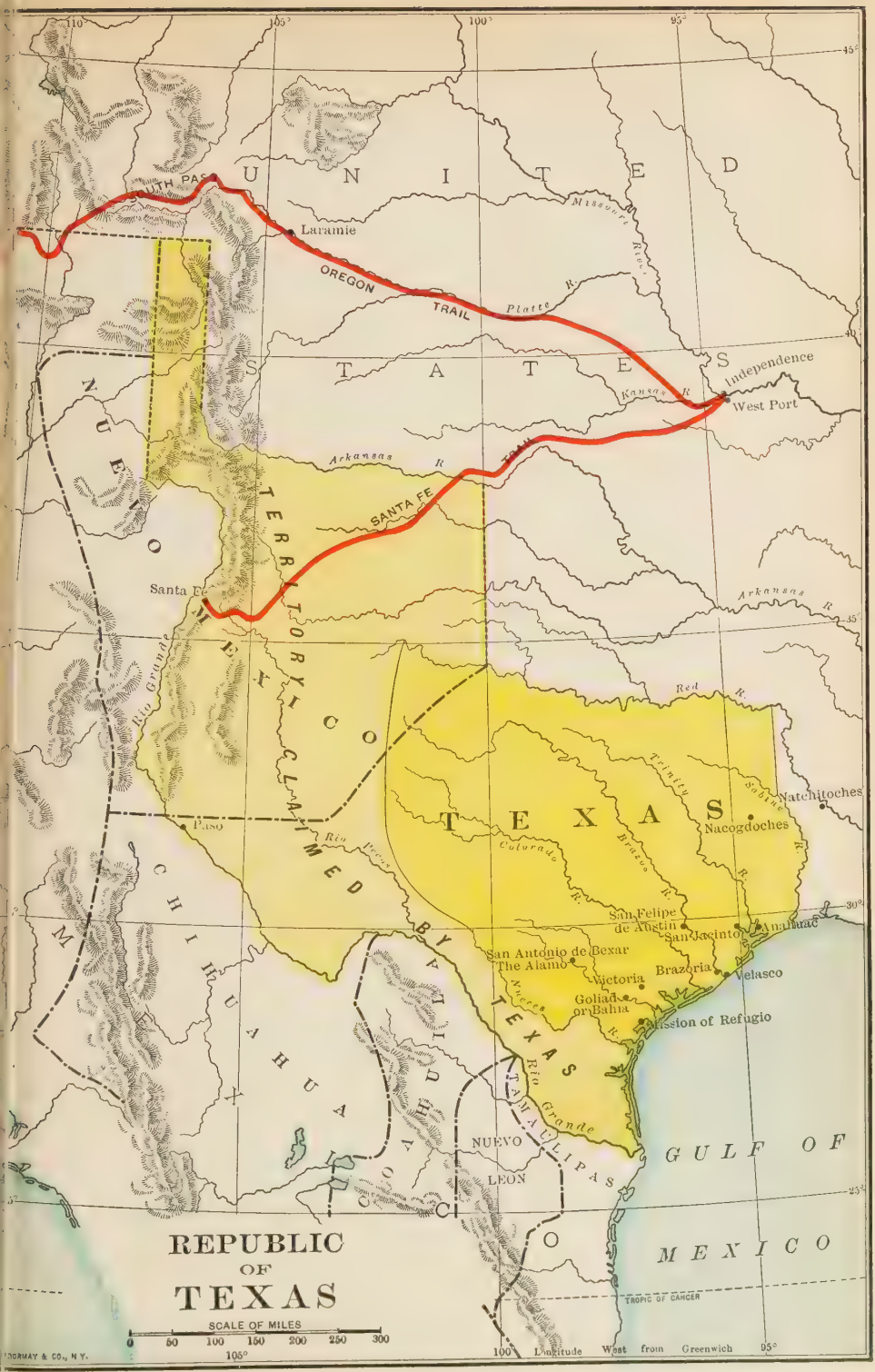
and that it was his painful duty to return the subject to Congress to decide on the time, the mode, and the manner of redress.

In the House the matter was brought up by Adams, who, late in December, presented a petition from the Peace Society in New York, praying that Congress accede to the offer of arbitration. A debate arose over the question of reference, and in the course of it a member denied that such a proposition had ever been made. Want of a quorum prevented action, and when the matter again came before the House, the chairman of the Committee on Foreign Affairs retracted his statement and sent a copy of the Mexican decree to the chair, and the memorial went to the Committee on Foreign Affairs.*

By April, 1838, the Mexican Government had succeeded in examining three of the fifty-seven claims, and was supposed to be examining the rest, when Martinez, the Mexican Minister, informed Forsyth that the President of Mexico, convinced that the most effectual way to end "the evils to which Mexico and the United States are now subjected" would be arbitration, had ordered him to propose such a manner of settlement. This was the first time that such a proposition was officially made, and two weeks later Forsyth expressed his willingness to enter into negotiation for a convention for arranging the particulars of arbitration. Martinez replied that he had applied to his government for the necessary powers, and was authorized to propose Prussia as a mediator. To this Forsyth agreed. France by that time had blockaded the coast of Mexico, and some difficulty was encountered by the Mexican minister in sending his dispatch to his government.

When the committee reported early in July no reply had come, but considering the peculiar situation of Mexico the majority contented themselves with an expression of dissatisfaction with the unsettled condition of the negotiation, with making no recommendation to the House, and with an expression of hope that Mexico would so conduct

* Congressional Globe, 25th Congress, 2d Session, p. 63.



REPUBLIC OF TEXAS

herself that the President could resume the exercise of the powers he had found insufficient for the protection of the honor of the government and the rights of the people of the United States.*

A proposition to annex Texas was officially made to Forsyth in August, 1837, by General Hunt, the Texan minister. Texas, he said, sought it because she was a nation of the same blood as the people of the United States, and claimed, because of ties of blood, language, and institutions, a common origin, a common history, a common freedom. Forsyth replied that the question of annexation of an independent State had never before been presented to our government. Whether the constitution contemplated the annexation of such a State, and, if so, in what manner, were questions the President did not think it expedient at that time to agitate. So long as Texas was at war and the United States at peace with Mexico, the proposition of Texas involved a question of war with her adversary to whom the United States was bound by a treaty of amity. The obligations of that treaty must be scrupulously performed.†

That the people of Texas had voted for annexation and that application for admission into the Union as a State would be made, was well known, and so roused the anti-slavery people that when Congress assembled in the panic session of 1837 scores of petitions bearing thousands of signatures and protesting against annexation were presented to the House and Senate. In each body they were laid on the table; but the House called for the correspondence with the Texan minister on annexation and tabled a resolution, introduced by Adams, which declared that the power of annexing the people of an independent foreign State was not delegated by the Constitution to Congress, nor to any department of government, but was reserved to the people.‡ When news of Van Buren's refusal to consider annexation reached Texas, the House of Representatives of that republic passed

* Report of the Committee on Foreign Relations, July 7, 1838.

† Executive Documents, No. 40, 25th Congress, 1st Session.

‡ Journal of the House of Representatives, September 19, 1837, 35th Congress, 1st Session.

a resolution instructing the President to unconditionally withdraw the offer, "and thus, in the most decisive manner, refer the people of Texas, for all the future good they may hope to receive or enjoy, of social security, to their own independent and manly energies"; but the Senate rejected it, because the proposition had been made by vote of the people and not by action of the Congress, and left the President to assume the responsibility of recall.

At the regular session of Congress the number of petitions and memorials was greater than ever, and with them came resolutions from Rhode Island, Ohio, and Massachusetts against annexation, and from Alabama and Tennessee in favor of it. About the middle of June the House committee to whom the papers had been referred reported that no proposition to admit Texas as a State or annex its territory was pending in the House; that to recommend action likely to prejudge any such proposition if made in the future or forestall public sentiment was inexpedient, and asked to be discharged from further consideration of the subject. Exception was at once taken. The issue, it was said, is before the House, petitions have been presented, and States have remonstrated, and it is due to the protestants to express an opinion. A resolution was therefore moved to recommit the report with instructions to report in full on the merits of the questions presented by the resolutions from Tennessee, Alabama, Ohio, Michigan, and Massachusetts. To this two amendments were offered. One, by Thompson of South Carolina, bade the committee report a joint resolution directing the President to take the steps necessary for the annexation of Texas to the United States as soon as it could be done consistently with treaty stipulations. The other, by Adams, instructed it to report that power of annexing the people of a foreign state was not delegated by the Constitution to Congress nor to any department of government, but was reserved to the people, and that any attempt by act of Congress or by treaty to annex the Republic of Texas, would be a usurpation of power, unlawful, and evil, which it would be the right and duty of the free people of the Union to resist and annul.

The issue was thus definitely raised; but day after day till the end of the session Adams occupied the entire morning hour with a continuous speech and prevented the House from reaching a vote.

In the Senate the question was brought up early in the session in another form by a resolution of Preston of South Carolina. The just and true boundary of the United States under the Louisiana Purchase treaty, he claimed, was the Rio Grande, and continued to be so till the territory west of the Sabine was surrendered by the treaty with Spain in 1819. This surrender of territory was of evil precedent and doubtful constitutionality. Weighty considerations made it expedient to reëstablish this true boundary line and reannex the territory occupied by the State of Texas. Therefore, Texas consenting, it was expedient to reannex the territory as soon as it could be done consistently with treaty obligations. The Senate finally laid it on the table, and when Congress rose in July nothing had been done by either house.

In Florida the Seminole war still dragged along. General Jesup, having taken command of the army, began an aggressive campaign, and toward the close of the year attacked the Withlacoochee settlement and made prisoners of a few score women and children. The Seminoles and their negro allies, enraged at the capture of their women, struck back and attacked Fort Mellon. They were beaten off, whereupon Jesup penetrated the Indian country with his entire force, won a few skirmishes, took more prisoners, and persuaded some of the chiefs to meet him at Fort Dade to discuss terms of peace.

The treaty, or capitulation of the Seminole nation and its allies, as it was called, which was signed at this conference, provided that hostilities should cease, that the whole nation should go to the country beyond the Mississippi, and that "their negroes, their *bona fide* property," * should go with them. Hostages were given; a camp ten miles square was designated near Tampa Bay; the Indians were required to assemble there before a certain day in April, and vessels

* Executive Document No. 78, 25th Congress, 2d Session, Vol. III, pp. 79, 80.

to carry them to New Orleans were soon riding at anchor in the bay. But these fair prospects of peace were quickly destroyed by the eager and unexpected attempts of white men to recover their fugitive slaves. Some came to Fort Armstrong in search of runaways, and others to the Tampa Bay Camp. A few who had fled from Florida to Charleston for safety protested against the terms of the capitulation and appealed to the Secretary of War; * and a public meeting at St. Augustine † declared that, while peace was indeed a matter of the first importance, the preservation of negro property was of scarcely less moment. The negroes, most of whom were fugitives or the descendants of fugitives, took fright; no more came in, and thirty who were in the camp of Jesup fled on the appearance of white men in search of their slaves.‡ Jesup thereupon seized ninety at Tampa Bay and sent them to New Orleans; a band of armed warriors captured three chiefs held as hostages and hurried with them to the swamps, and several hundred Indians and their families gathered at Tampa Bay, fled to their fortresses and the war was on again.

While the sickly season lasted no attempt was made to attack the Seminoles. The time was spent in preparing for the autumn campaign and in making slave-catching forays into the Indian country. In the course of one of these, two chiefs, Philip and Uchee Billy, fell into the hands of the troops. The loss of Philip was severely felt, and late in October a band of eighty Seminoles, led by Osceola, Wild Cat, and Cloud, approached Fort Peyton and asked for a talk. Jesup authorized Hernandez to hold the talk, but remembering that Osceola and Wild Cat had been concerned in the capture of the chiefs held as hostages, Jesup gave orders that they should be seized if they came within Fort Peyton. But they would not come into the fort, and requested Hernandez to meet them at their camp and to come without an escort.# Suspecting foul play Jesup prepared

* Executive Document No. 225, 25th Congress, 2d Session, Vol. V, pp. 55, 56.
† Idem, pp. 108–110.
‡ Idem, pp. 13, 14.
# Executive Document No. 327, 25th Congress, 2d Session, Vol. IX, p. 11.

a set of questions to be addressed to the Indians,* and ordered Hernandez, if the answers were not satisfactory, to seize the chiefs and their followers.

Thus instructed, Hernandez met the chiefs, surrounded their camp with an armed force, and proceeded to question them,† and, while so engaged, received a command from Jesup to "order the whole party to town." ‡ The signal was instantly given, the troops closed in, and Osceola, Wild Cat, and their followers were marched to St. Augustine. Thence Osceola was taken to Fort Moultrie in Charleston Harbor where, in January, 1838, he died.

At the time of the seizure of Osceola, in Florida, steps were being taken at Washington to send a delegation of Cherokees to the Seminoles to act as meditators. The suggestion of such a mission had been laid before John Ross by a special agent of the United States, and with full authority from the Secretary of War, Ross, in October, appointed a delegation, instructed them what to say, and sent them to Florida.# Making their way to a gathering of Seminoles, some sixty miles from Fort Mellon, they presented an address from Ross, and induced Micanopy, Cloud, Toskogee, and other chiefs to go, under a flag of truce, to the fort. There a promise was made to surrender the families of the Indians imprisoned at St. Augustine, and bring in all Indians within four days' march of the fort. Messengers were at once sent off to put these promises into effect, but, news having reached the Indians that Wild Cat had escaped from St. Augustine, they hesitated to come in, whereupon Jesup seized the chiefs and warriors who had come in under the flag of truce and sent them to St. Augustine. || The Cherokees, justly enraged to find themselves the instruments of deception, made all haste to Washington, there to report to Ross.

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* Executive Document No. 327, 25th Congress, 2d Session, Vol. IX, pp. 4, 11.

† The questions and answers are given in Document No. 327, pp. 7, 8.

‡ Document No. 327, Vol. IX, pp. 4, 6.

Document No. 285, Vol. VIII, pp. 1, 6–8.

|| The whole story of this treachery is told by John Ross in letters to the Secretary of War. Executive Document No. 327, 25th Congress, 2d Session, Vol. IX.

The duty of invading the Indian country having been assigned to Colonel Zachary Taylor, then in command at Tampa Bay, he set off with a force of eleven hundred regulars, volunteers, and Indians, and just before Christmas came on the Seminoles strongly posted on a hommock on the edge of the Okechobee swamp, where a great battle was fought. Wild Cat led the Seminoles who, for hours, kept up a desperate resistance, but Taylor won the day at a cost of twenty-six killed and one hundred and twelve wounded. To push on with such a hospital was impossible, so the army, carrying the wounded in litters, made its way back to the Withlacoochee.

CHAPTER LXVII.

A FREE PRESS AND THE RIGHT OF PETITION.

Among matters of domestic concern which occupied the attention of Congress when reassembled in December, 1837, the first to rise into serious prominence was the old issue of slavery.

Indeed, at no time during the year had the subject been absent from the public mind. The passage of the gag resolution by the House of Representatives, the attempt to censure Adams, the belief that a scheme to annex Texas was well under way, the signing and presenting of hundreds of remonstrances against the admission of that republic into the Union as a State, the resolutions of legislatures, the meetings of anti-slavery societies, the occasional lynchings in the South, the acts of pro-slavery mobs in the North, and the promise of Van Buren to veto any bill for the abolition of slavery in the District of Columbia without consent of the slave-holding States, all served to keep the issue constantly before the people.

In response to appeals from the people the House of Representatives of Massachusetts solemnly protested against the gag resolution of January, 1837, as an assumption of power at variance with the spirit of the Constitution; as injurious to the cause of freedom; as doing violence to the inalienable rights of man; as impairing the fundamental principles of natural justice and natural law, and thanked the delegation in Congress for their able defense of the rights of petition.*

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* Niles's Register, April 8, 1837, Vol. LII, p. 87.

In Ohio the people having petitioned for the repeal of all laws discriminating between whites and blacks, the matter was referred to the Judiciary Committee to report. Of what privileges, said the committee, is the negro derived? He cannot give evidence in court unless both parties are blacks. He cannot settle and reside in the State till he gives evidence of freedom, and not even then unless under bond that he will behave well, and not become a charge on the community. His children cannot attend a common school endowed with public funds. In all other respects he is amply protected. None of these restrictions, the committee held, should be removed. The presence of free colored people in the State was an evil scarcely less to be deplored than slavery itself. No good could come from increasing the numbers of such persons, estranged as they were in feelings from the whites. Sound policy required that nothing should be done which would tend to bring free negroes to Ohio. The restrictions complained of had existed many years without essential change, and should not be suddenly repealed or radically altered. The causes which led to their original enactment had increased rather than diminished; the laws were neither oppressive nor unjust; their repeal would bring in more negroes, increase existing evils, and produce excitement, and for these reasons the committee recommended that the petitioners have leave to withdraw their petitions.*

In Illinois a joint committee, to which was referred the memorials of the legislatures of Virginia, Alabama, Mississippi, New York, and Connecticut relating to domestic slavery, reported that they could not see how any real friend to the negro could expect to benefit him through abolition societies. Before such associations existed, colonization societies were hastening the hour when, released from thraldom, the negro slave would be returned to his own land, a moral and intelligent being. Abolition societies, on the other hand, had forged new manacles, new irons for the black man, and had added one hundredfold to the rigor of

* The report is given in full in The Liberator, May 12, 1837.

slavery. They had scattered firebrands of discord and disunion among the States, had roused the turbulence of the mob, and had threatened the violation of the rights of private property. Citizens of slave-holding States were no more responsible for slavery than the citizens of the free States. Slavery was introduced by their common ancestors. The rights of property in slaves was secured to the slaveholding States and could not be destroyed without their consent. Slavery was a part of the civil and domestic economy of the slaveholding States, and could not and ought not to be interfered with by any independent authority, State or Federal. The existence of abolition societies was, therefore, to be deplored. Their doctrines did more harm than good, for the abolition of slavery in the District of Columbia would be unwise, injudicious, and highly inexpedient.*

A convention of the "Friends of the integrity of the Union" in Pennsylvania, which met at Harrisburg in May, after a session of two days, resolved; that the Federal Government had no constitutional power whatever over the relation of master and slave in any State in the Union. Whether Congress did or did not have power to legislate for the abolition of slavery in the District of Columbia was of little moment, for it would be unwise and impolitic in the extreme to exercise such a power. Each State had the sole right to judge of, establish, and maintain within its borders its own system of domestic policy, and every attempt by citizens of one State to overthrow the institutions of another was hostile to the peace and harmony of the Union. The colonization of free negroes and slaves in Africa held out the only hope of the ultimate abolition of slavery. The efforts of the Colonization Society deserved the support of all friends of peace, order, harmony, and the integrity of the Union.†

Before adjourning the members of the Vermont Democratic State Convention passed resolutions that, as Democrats, they could not justify slavery, either political or domestic, and looked with confidence to the day when all

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* The Liberator, May 19, 1837. † Ibid., May 12, 1837.

men in the United States would be born free and equal. While they deplored the evils of slavery, they could not but remind the men of the North that the slave masters were their political brethren, and that all labors in behalf of the slave should be tempered with wisdom, prudence, and love.*

In Rhode Island the Executive Committee of the Anti-Slavery Society questioned the candidates for Congress. Two were Whigs, two were Democrats, and two—Thomas W. Dorr and Daniel King—were put forward by a new party organized for the purpose of procuring the adoption of a State constitution. The questions were: Do you believe Congress has authority to abolish slavery in the District of Columbia? Do you believe Congress should sustain, unabridged, the right of the people to petition for the abolition of slavery in the District? Do you believe that members of Congress should sustain, by their votes, the prayers of those who thus petition? Are you in favor of the annexation of Texas? Each one declared against the annexation of Texas, against the gag resolution, and avowed himself a firm believer in the authority of Congress to abolish slavery and the slave trade in the District.†

As the time approached for the meeting of Congress, the belief that the question of annexing Texas would be brought up in the extra session caused a general discussion of the issue by the Northern press, and the calling of public meetings to protest against annexation. There is, it was said by the writers of newspaper editorials, a fixed determination existing, in the southern and southwestern parts of the Union, to involve us in the war between Mexico and her rebel subjects in Texas, for the purpose of adding that province to our already too extended and cumbrous country. Such a measure ought to be vigorously opposed, for it would involve us in a war with Mexico, would give great political preponderance to the slave-holding States, and would endanger the safety of the Union. Our country is now extensive enough. Even now the remote portions know hardly any-

* The Liberator, July 7, 1837.

† The correspondence is given in The Liberator, August 11, 1837.

130°
125°
120°
115°
110°
105°
100°
50°
45°
40°
35°
30°
25°
QUEEN CHARLOTTE IS.
Boundary established 1824
VANCOUVER I.
PACIFIC OCEAN
BRITISH
ROCKY MTS.
Fort Colville
Fort Okanagan
Fort Nisqually
Fort George
Fort Vancouver
Fort William
Columbia R.
Fort Walla Walla
The Dalles
OREGON COUNTRY
Occupied jointly by Great Britain and the United States under Treaty of 1818
Fort Boise
Fort Hall
Bear R.
Parallel 42°
Smith 1828
Smith 1827
Smith 1826
Smith 1827
Smith 1829
Smith 1830
Smith 1831
Spanish Trail 1826
Old Spanish Trail
Later California Trail
Great Salt Lake
Utah L.
UNITED STATES
San Francisco
Monterey
Los Angeles
San Diego
Colorado R.
Gila R.
GULF OF CALIFORNIA
SD
Missouri R.
Lewis and Clark 1805
Lewis and Clark 1806
Boundary established 1818
49th Parallel
FREE UNDER COMPROMISE 1820
1806
IOWA
SOUTH PASS
Ft. Laramie
Oregon Trail
Platte R.
Boundary established by Treaty
Arkansas R.
Santa Fe
Santa Fe Trail
Missouri Compromise 36°30'
Canadian R.
Red R.
Brazos R.
Texas 1836
REPUBLIC OF TEXAS
MEXICO
Rio Grande
Nueces R.
Longitude West
from

HUDSON BAY
JAMES BAY
POSSESSIONS
CANADA
LAKE WINNIPEG
Lake of the Woods
LAKE SUPERIOR
Ottawa R.
Quebec
Montreal
Kingston
Bangor
Portland
Portsmouth
Boston
NEW BRUNSWICK
Boundary disputed
MAINE
NEW HAMPSHIRE
VERMONT
MASSACHUSETTS
Providence
RHODE ISLAND
Hartford
Albany
Utica
Oswego
Rochester
Palmyra
L. ONTARIO
L. ERIE
Buffalo
Erie
Cleveland
Detroit
Wilkesbarre
PENNSYLVANIA
Pittsburg
Philadelphia
Trenton
New York
New Haven
Easton
Wilmington
Baltimore
Washington
Boundary between Free and Slave States
FREE BY ORDINANCE 1787
WISCONSIN
MICHIGAN
L. MICHIGAN
L. HURON
1837
Ft. Snelling
Minnesota R.
Mississippi R.
Prairie du Chien
Wisconsin R.
Iowa R.
Chicago
Ft. Wayne
Peoria
Illinois R.
Springfield
Columbus
Cincinnati
OHIO
INDIANA
1816
1818
Missouri R.
Kansas R.
Independence
St. Louis
Added 1836
Evansville
Vincennes
Louisville
Ohio R.
KENTUCKY
Lynchburg
Richmond
Norfolk
VIRGINIA
Knoxville
Raleigh
NORTH CAROLINA
C. Hatteras
Nashville
TENNESSEE
Memphis
Wilmington
SOUTH CAROLINA
Columbia
Little Rock
ARKANSAS
1836
Augusta
Savannah
Charleston
GEORGIA
1819
1817
1812
Mississippi R.
Yazoo R.
Sabine R.
Vicksburg
Mobile
Pensacola
ALABAMA
1819
Jacksonville
St. Augustine
FLORIDA
New Orleans
Ft. King
Wahoo Swamp
TERRITORY
L. Okeechobee
The Everglades
BAHAMA ISLANDS
(To G. Britain)
ATLANTIC OCEAN
GULF OF MEXICO
THE
UNITED STATES
IN 1838
SCALE OF MILES
0 100 200 300 400 500
Greenwich
95°
90°
85°
80°
75°
70°
65°
50°
45°
40°
35°
30°
25°
BORMAY & CO., N.Y.

thing of each other except by the collisions of interest which take place between them.* In view of these consequences it is high time for the people of the North to awake. The question is one of great moment.

Public opinion, however, was by no means undivided. When the Massachusetts Anti-Slavery Society was about to hold its meeting in Boston, in January of 1837, not a meeting-house, not a hall of any size could be obtained, and the members were forced to assemble in a stable attached to one of the hotels.† When the New England Anti-Slavery Convention was about to be held in Boston, in June, application was made to the authorities of every church in the city—Episcopalian, Unitarian, Congregational, Universalist, Baptist, Methodist, Orthodox Congregational, Friends, Christian, New Jerusalem, and Catholic—for the use of their buildings. ‡ Some made no reply; of such as did answer all save three refused.

Offended at such treatment, the convention in the course of its proceedings called loudly for the purification of the churches, and resolved that any man who held his brother man as property ought not to be admitted to membership in the Christian Church; that church members guilty of this sin should be remonstrated with and, if incorrigible and persistent in their sin, should be put away. Churches, religious bodies, preachers of the gospel, were entreated to make the sin of slave holding a subject of serious consideration, and by prayer and preaching, by the publication of opinions, and by opening their pulpits and meeting-houses, do all in their power to purify the Church and break the bondsman's chains.#

But the ministers did not propose to open their pulpits any more than their meeting-houses to abolition preachers,

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* In The Liberator for August 11–25, 1838, are extracts from such journals as The Massachusetts Spy, Boston Atlas, New York Evening Post, Montrose Spectator, Harrisburg Telegraph, Buffalo Spectator, Portland Courier, and Lowell Journal.

† Life of Garrison, Vol. II, pp. 124, 125.

‡ The correspondence is given in The Liberator, May 26, 1837.

The Liberator, June 2, 1837.

and at the next meeting of the General Association of Massachusetts a pastoral letter was addressed to the churches under their care,* for they saw much to condemn in the conduct of the Abolitionists and their bodies. Garrison was especially obnoxious because of his attacks on the Colonization Society, of which a large number of ministers were members, because he was not a member of any sect or church, and because, in a criticism of a speech of Dr. Beecher's on the increasing desecration of the Sabbath day, he laid down the doctrine that not one in seven, but every day should be a Sabbath, and that every attempt made to enforce the observance of the first day of the week "by pains and penalties, civil or ecclesiastical, is positive tyranny."

The activity of women in the cause of anti-slavery, circulating petitions, raising money, attending anti-slavery meetings and forming societies, was another subject of condemnation. After the attack on the Boston Female Anti-Slavery Society and the mobbing of Garrison in 1835, the editor of one religious journal declared that those who persisted in a course which led to such a riot were as culpable as the rioters. Another remarked that when it came to matters of grave political reform it might be wiser "for the gentler sex to seek information at home." To complaints of this sort the Massachusetts Anti-Slavery Society, in 1836, answered with a resolution that, in the anti-slavery cause, which was the cause of philanthropy, all God's creatures, white men and colored men, citizens and foreigners, men and women, had the same duties and the same rights. But when, in 1837, the Grimké sisters appeared upon the platform and urged immediate emancipation, the religious pro-slavery party cried out against the indelicacy of women bearing an active part in matters of religious reform, and denounced what was called "Women's Rights"; and the General Association issued the Pastoral Letter, urging that the churches should be closed to anti-slavery lecturers, and that church members should give no countenance to women lecturers. "The perplexing and agitating subjects now common amongst us"

* The Liberator, August 11, 1837.

should not be forced upon any church as matter for debate at the hazard of alienation and division; that if there were certain topics on which their ministers did not preach in the manner that pleased them, it was a violation of sacred and important rights to encourage a stranger to present them; and that it was a great mistake to encourage women to bear an obtrusive and ostentatious part in measures of reform or countenance any "of that sex who so far forget themselves as to itinerate in the character of public lecturers and teachers."

While church members were still pondering and pastors still preaching on the Pastoral Letter, a new attack was made from a most unexpected quarter. Five anti-slavery ministers of Boston and the neighborhood issued an "Appeal to Clerical Abolitionists on Anti-Slavery Measures." * They complained of the "hasty, unsparing, and ferocious denunciation" by *The Liberator* of two slave-owning ministers from the South who had recently preached in Boston, of the "apparent tone of demand with which *The Liberator* has urged the reading of anti-slavery notices from the pulpits, and charged the Abolitionists with heaping abuse on ministers of the gospel who were willing to aid anti-slavery societies, and with diverting funds from home and foreign missions, and the tract, Bible, and educational societies.

Fired by the appeal, thirty-nine students of the Andover Theological Seminary now issued an appeal to Abolitionists.† As Abolitionists, they saw with grief the attacks by certain anti-slavery publications on the gospel ministry; had noticed with concern statements prejudicial to the cause of foreign missions; condemned public lectures by females, and disapproved of discourses to children by certain Abolition agents.

While the quarrel thus started was at its height the anti-slavery world was shocked to hear of the murder of Elijah Lovejoy. Lovejoy was a native of Maine, and a graduate of an Eastern college. When twenty-four years old he went to St. Louis and became a teacher, and then the

* The Liberator, August 11, 1837.

† Ibid., August 25, 1837.

editor of a newspaper devoted to the interests of Henry Clay. About 1832 Lovejoy joined the Presbyterian Church, studied for a short time at the Princeton Theological Seminary, was licensed to preach, returned to St. Louis, and, in 1833, established a weekly religious newspaper called *The Observer*. While the subjects of his editorials were chiefly of a religious or moral kind, they were not always so, and during 1834 and 1835 slavery was often a topic for comment. Little attention seems to have been paid to them till the public mind was excited by a case of lynching. Two men, suspected of decoying some negroes, were seized, taken out into the country and given, it is said, two hundred lashes.* Threats were then made to demolish the office of *The Observer*, and during the absence of Lovejoy the publisher printed a card that nothing on the subject of slavery should appear while the editor was away.† But the mob was not satisfied with such a temporizing promise. Threats continued to be made, and the owners issued a second card, renewing the promise and expressing opposition "to the mad schemes of the Abolitionists." At a public meeting which followed a few days later, resolutions were adopted, declaring that slavery was sanctioned by the Scriptures; that the course pursued by the Abolitionists, if persisted in, must break up the Union; and that the constitutional guarantee of free speech and free press did not imply the moral right of the Abolitionists "to freely discuss the question of slavery, either orally or through the medium of the press." ‡

To all this Lovejoy, on his return, published a manly reply, defined his position, boldly upheld his right to discuss slavery issues, and declared he never would surrender freedom of speech and of the press. Requested to resign, he did so; but when *The Observer*, a few days later, was sold for debt, the new owner recalled him, and he again took up his old duties as editor.

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* Memoir of the Rev. Elijah P. Lovejoy, who was murdered in defense of the liberty of the press at Alton, Ill., November 7, 1837, by Joseph C. and Owen Lovejoy, New York, 1838, pp. 155, 156.

† Memoir of the Rev. Elijah P. Lovejoy, pp. 137, 138.

‡ Ibid., pp. 138–40.

Belief that the paper would be better supported on free soil now led to the determination to remove it to Alton, a little town across the river in Illinois.* But Lovejoy was not destined to go in peace, for in the same issue which contained the notice of removal was bitter criticism of a charge of Judge Lawless to a grand jury.

Some time before, a negro, in resisting arrest, stabbed and killed a white man; and for this was taken from jail by a mob, hanged in chains to a tree, and burned alive. This act of violence it became the duty of Judge Lawless to bring before the grand jury, and in his charge he laid down the doctrine that a crime which, if done by one or two men would properly be punished with death, might be perpetrated by a mob with impunity, as an act "beyond the reach of human law." For the remarks Lovejoy made on this charge the mob in St. Louis tore down his office. The press, meantime, had been delivered at Alton by a steamboat captain, and while lying on the river bank was smashed to pieces by half a dozen citizens of the place.†

A meeting of the more cool-headed citizens of Alton, held the same day, denounced abolitionism, but repudiated mob violence and promised to make good Lovejoy's losses. A new press was accordingly purchased at Cincinnati; *The Observer* was reëstablished, and for nearly a year was unmolested; but in July, 1837, another rupture occurred. In one editorial Lovejoy had heartily approved the signing of petitions for the abolition of slavery in the District of Columbia, and in another, written on the Fourth of July, had urged the formation of a State Anti-Slavery Society. Such doctrines were too much for pro-slavery men, and at a public meeting, held a few days later, a committee was appointed to confer with Lovejoy and ascertain if he intended spreading abolition doctrines through the columns of *The Observer*. The committee sent him the resolutions enclosed in a letter, to which he replied that the right of a mass meeting to decide what sentiments should or should not be discussed in a newspaper could not be recognized. Liberty of speech

* Memoir of the Rev. Elijah P. Lovejoy, pp. 178, 179. † Ibid., p. 180.

and freedom of the press were not to be called in question by any man or body of men.* Threats having failed to quiet him, the mob again rose and, one night in August, entered the office of *The Observer* and destroyed type, press, and furniture.

Lovejoy, far from disheartened, now issued an appeal to the friends and subscribers of *The Observer*, asked for fifteen hundred dollars with which to establish a new office, and secured such support that, toward the close of September, another press arrived and was stored in a warehouse. Preparations to protect it were made by the friends of Lovejoy; but at the request of the mayor of Alton its safety was entrusted to his keeping. A constable was then stationed at the door for a few hours, and the moment he left a dozen men, with handkerchiefs over their faces, entered the warehouse by force, rolled the press across the street to the river bank, broke it to pieces, and threw the fragments into the Mississippi. A fourth press was now ordered, and one Sunday night in November reached St. Louis, where an arrangement was made with the captain of the steamboat to land it at Alton at three o'clock on Tuesday morning.

On Monday the mayor was informed of the arrival of the press at St. Louis, and requested to appoint special constables to keep the peace, and that evening some fifty men met in the stone warehouse, where the press was to be stored, to act as the mayor might decide. Promptly at three o'clock the boat made fast to the river bank, and, despite the blowing of horns and the gathering of a small mob, the press was landed and housed. During Tuesday no demonstration was made; but that night the mob assembled around the warehouse and demanded the press, and when refused began to hurl stones at the windows. Soon a gun was fired, and then another; whereupon one of the defenders of the press discharged his piece and killed a man in the crowd. The mob then withdrew; but soon returned, and placing a ladder against the building attempted to set fire to the roof. Lovejoy and a few of his supporters made a sally to prevent

* Memoir of the Rev. Elijah Lovejoy, pp. 216–223 and 225–229.

this, and while standing near the door Lovejoy received five balls in his body, and died a few moments later. The inmates of the building then beat a hasty retreat; the mob entered unresisted, and the press having been thrown from a window, was broken to pieces with a sledge hammer.

Throughout the slave-holding States the one opinion was that Lovejoy had received what he deserved. We condemn mob violence, said the *Missouri Republican*, but when we see a man recklessly, wantonly, and mischievously persist in a course which others are sure to regard as an outrage on their feelings, which is sure to inflame the popular mind and lead to violence, we have but little sympathy for his sufferings. He who willfully excites the tempest should be the first to feel its violence. If, said a religious newspaper published in North Carolina, we know anything about the laws of Christian morality, as great an amount of guilt lies at the door of Mr. Lovejoy as at that of any of his assailants.

In the great stronghold of anti-slavery Lovejoy was regarded as the first martyr to the cause. Memorial services were preached; public meetings were held and resolutions passed; anti-slavery newspapers appeared in mourning dress; anti-slavery societies passed resolutions, and the press of the North very generally denounced this new gag by mob violence. In Boston an application to the aldermen for the use of Faneuil Hall for a public meeting was at first refused, lest it should provoke a mob. But a meeting of citizens, held in the Supreme Court room to consider the reasons assigned for refusing the use of the hall, sent a committee to renew the application. Permission was then given, and the meeting was held and made memorable in anti-slavery annals by a famous speech of Wendell Phillips.

Congress by that time was in session, and to it, day after day, hundreds of petitions came pouring in, praying for the abolition of slavery in the District.

In the Senate for a while they were laid upon the table; but trouble began when a petition was presented from women of Gloucester County, New Jersey, and a motion made to refer it to the Committee for the District of Columbia. A Senator promptly moved that the motion be laid upon the

table, but withdrew it at the request of Clay, who said it was manifest that the subject of slavery in the District was daily engaging more and more of the public attention. Was abolition spreading, or was it mixed up with other matters, as the belief that the sacred right of petition was assailed? The duty of the Senate, it seemed to him, was to inquire into and understand the subject well. Many of the petitioners, undoubtedly, did not mean to assert that slavery should be abolished. They were contending for what they considered a great constitutional right. Would it not be wise, then, in order to allay the excitement and calm and tranquilize the public mind, to refer the subject to a committee that should elicit the facts, reason coolly, and present their conclusions dispassionately to the non slave-holding States?

Calhoun replied that he had foreseen what this issue would come to: he knew its origin, and it lay deeper than was supposed. It grew out of a spirit of fanaticism that was daily increasing, and must be crushed or, by and by, it would dissolve the Union. Accept the petitions, and the Senate would next be asked to act on them. He was for no conciliation, no temporizing. Instead of yielding an inch he would rise in opposition, and he hoped every man from the South would stand by him and help to put down this growing evil. There was but one question that could ever dissolve the Union, and that was involved with slavery. A man must see very little of what was going on if he did not perceive that the spirit of abolition was growing, and that the rising generation was strongly imbued with it.*

A Senator from Virginia scouted the idea that fanaticism was not back of the petitions. Oh, it was not fanaticism, it was not humanity, it was not philanthropy; it was patriotism, a desire to assert and maintain inviolate the great right of petition. No man in the whole land more dearly loved, or would more sacredly guard than he, the inestimable right of petition as asserted and practiced in England, and thence ingrafted in our written Constitution. But, like all

* Congressional Globe, 25th Congress, 2d Session, p. 34.

good things, it was liable to abuse and had its limits. The people had a right peaceably to assemble and petition—for what? To take away his right to enjoy life, liberty, and the pursuit of happiness? No; but to redress grievances to which the lawmaking power could apply a remedy; but the grievances must be within the law and the Constitution. Davis, of Massachusetts, did not doubt but that the custom of laying the petitions on the table, which was tantamount to a rejection, had done much to increase their number. Before Congress made war on the right of petition this excitement over slavery in the District was not in existence. It had been raised and created by the opposition, the resistance, the particular and invidious discrimination made against petitions of this sort. No case could be supposed which would justify the rejection of the right of petition.

After debate had run on in this way for some time Calhoun again took the floor and said that the course urged by Clay was sure to produce, not to allay, excitement. If one step were yielded, the fanatical spirit would be reanimated. It had been stated that receiving the petitions would imply considering, discussing, deciding on them. In what situation would all this put the South? He did not ask how the North would be affected; for his purpose was to keep the South united on this subject with a susceptibility always alive. The Southern States must first preserve themselves, and then the Union. Clay replied that he looked to the whole Union, and not to any part or section more than to another. He had no despondencies, as had the Senator from South Carolina, as to the effect of the slave or any other question on the permanency of the Union. He had no fears for the Union. His purpose was to preserve the Union and separate fanaticism from those capable of listening to reason. There would be no ground lost by arguing, and that cause must be a bad one that did not admit of reasoning. Calhoun answered that there were cases in which reasoning and argument were absurd and cowardly. Suppose a petition were sent asking that the manufactories of the North be burned, would the Senator stop to reason on such a proposition? Suppose Congress was petitioned to give the prop-

erty of the rich to the poor, would he reason about that? Abolition in the District was the first step. The next would be to destroy the slave trade between the States, and then the attempt would be made to destroy slavery in the States. Congress would then discuss the right of the Southern man to property guaranteed by the Constitution, and the Southern man who allowed it to be drawn into discussion sacrificed the rights of the South. At the end of the debate the motion to lay on the table the motion to receive the petitions was renewed and decided in the affirmative.*

The next day Mr. Swift presented a memorial and some resolutions from the Legislature of Vermont.† Petitions had come from all parts of the State declaring that Congress had power to abolish slavery and the slave trade in the District and in the several territories, and to prohibit the slave trade between the States; that it was the duty of Congress to use this power, and that as Congress had no authority to incorporate into the Union a separate and independent State, the Senators of Vermont ought to be instructed and her representatives requested to use their influence to prevent the annexation of Texas. The committee to which the petitions were sent reported that it could find in the Constitution no provision empowering Congress to incorporate with our territory a separate and independent State. New States might be admitted, but they must be those and only those whose constitutions had been authorized and approved by Congress. The purchases of Louisiana and Florida were not precedents, for they, too, were unconstitutional. But popular approbation and the belief that these acquisitions were necessary alone prevented, at the time, any strong opposition to the purchase or serious examination of the right to acquire them. But there were other objections to the annexation of Texas besides lack of constitutional power. Texas was a slave-holding State; and to slavery, in any form, the people of Vermont had ever been opposed. To consent to be drawn into close and fraternal bonds with a people who, beyond

* Congressional Globe, 25th Congress, 2d Session, p. 39.
† Ibid.

any yet known in modern times, had made the most deliberate and heartless assault on human freedom, would, therefore, be inconsistent in Vermont, and would prove that she had somewhat cooled in her fervor for liberty.

The most ardent advocates of annexation urged it not because our population was too crowded, but because it added to and strengthened the slave-holding influence in the management of the Government. The anarchy and disorder prevailing in the South; the outrages which her own citizens, as well as those of the free States, had suffered for two years past, outrages provoked, for the most part, by an honorable advocacy of liberty and a not less honorable condemnation of slavery, outrages that had been passed by unnoticed and unpunished by the proper tribunal; the fearful sacrifices of Northern interests demanded by the South for the security of her peculiar institutions, such as the surrender of freedom of speech, liberty of the press, the right of petition—all these united justified the apprehension that the additional political strength which the annexation of Texas would give to the slave-holding interests would soon lead either to a dissolution of the Union or to the political degradation of the free States.

The committee, therefore, recommended the adoption of a set of resolutions protesting against the annexation of Texas, or the admission of any slave-holding State, and declaring that Congress had power to abolish slavery and the slave trade in the District of Columbia and in the territories, and to prohibit the slave trade between the States. These resolutions were adopted by the Legislature and forwarded to Senator Swift. After presenting the memorial Mr. Swift moved that it be printed and laid on the table. Against this King, of Alabama, protested. The paper, he said, was an infamous libel and an insult to the South. Calhoun believed the present was a moment of the deepest importance. He had long foreseen the present state of things, and now the time had actually come when it was to be settled whether the North and South were to remain one united and happy people, or the Union be dissolved by the hand of violence. Vermont had struck a deep and dangerous blow into the

vitals of the Confederacy. It was a time for action; but he was not prepared just then to act, so he would move to lay the memorial on the table, pledging himself to call it up after he had time to determine what was best to be done. The subject should not rest till it had received final treatment by the Senate. After some debate Mr. Swift withdrew the memorial and promised to present it again a week later. When that day came he gave notice that, as many Senators were absent, he would defer the presentation till the Senate was full. On the following day Calhoun submitted what he intended to be his reply to the memorial of Vermont.

It consisted of six resolutions. The first set forth that in adopting the Constitution each State acted as a sovereign, free, and independent State; that each for itself, by its own voluntary assent, entered the Union with a view to its increased security against all dangers, domestic as well as foreign. The second asserted that in delegating a portion of their powers to the Federal Government, the States retained severally the sole and exclusive right over their own domestic institutions and police; and that any intermeddling by one or more States, or by a combination of their citizens, with the domestic institutions or police of the others, on any ground or under any pretext whatever, political, moral, or religious, was an assumption of superiority not warranted by the Constitution, insulting to the States interfered with, and dangerous to their peace and tranquillity. The Federal Government, the third stated, was a common agent instituted by the States to carry out the powers they had delegated for their common security and prosperity; that it was in duty bound to so use these powers as to give security to the domestic institutions of the States and to resist all attempts by one portion of the Union to use it as an instrument to attack the domestic institutions of another or to weaken or destroy them. Domestic slavery, said the fourth, formed an important part of the institutions of the Southern and Western States, existed when the Constitution was formed, was recognized by it as constituting an essential element in the distribution of its powers among the States,

and no change of feeling on the part of other States could justify them or their citizens in open and systematic attacks thereon with a view to its overthrow. The intermeddling, said the fifth, of any State or States, or of their citizens, to abolish slavery in the District, or in the territories, on the ground that it was immoral or sinful, or the passage by Congress of any act with that end in view, would be a direct and dangerous attack on the institutions of the slave-holding States. The sixth set forth that the Union of the States rested on equality of rights and advantages, and whatever destroyed that equality tended to destroy the Union. It was the solemn duty of all, therefore, to resist any attempt to discriminate between the States in extending the benefits of the Government, and to refuse to extend to the South any advantages which might arise from the annexation of a new State or Territory, on the pretext that the institution of slavery was sinful or immoral, would be contrary to the equality of rights which the Constitution was intended to secure.*

The resolutions were ordered printed, and on the following day Mr. Norvell, of Michigan, offered a set of resolutions on the subject of abolition and abolition petitions.† The Federal Government was declared to be one of limited powers; the States in their reserved powers were sovereign, free, and independent political communities; and any interference by one or more States, or by the people of one or more, with the domestic institutions of any other was a palpable and dangerous infraction of the spirit of the Constitution and likely to sever the links which bound the States together. The Senate, therefore, would neither receive nor entertain any petition, memorial, resolution, or other paper praying Congress to prohibit the slave trade; nor receive nor entertain any paper praying for the abolition of slavery in the District unless it came from the people of the District.

Still another set of resolutions, intended to be a direct reply to those of Calhoun, were next submitted by Mr.

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* Congressional Globe, 2d Session, 25th Congress, Vol. VI, p. 55.

† Idem, p. 59.

Morris. The Constitution, according to Morris, had been framed by the States acting in their sovereign capacities; but it had been adopted by the people acting through agents especially elected for the purpose. The people, in delegating a portion of their power to the Federal Government, retained exclusive control of their domestic institutions, and reserved to individuals and to States the full liberty of speech and of the press to discuss the domestic institutions of any of the States. An attempt on the part of the Federal Government, or that of any of the States, to restrain this liberty would be an exercise of unauthorized power and insulting to the people of the States so interfered with; for each State alone has power to punish individuals for the abuse of this liberty within its jurisdiction. Domestic slavery, as it existed in the Southern and Western States, was declared to be a moral and political evil. Its existence at the time of the adoption of the Constitution was not recognized by that instrument as an essential element in the exercise of the powers over the States; and no change of feeling on the part of any of the States could justify them or their citizens in open and systematic attacks on the right of petition, on freedom of speech, or the liberty of the press. The right of any State to endeavor, by all lawful and constitutional means, to abolish what is sinful and immoral was not to be disputed, and Congress alone had power to abolish slavery and the slave trade in the District and in the Territories. An act for this purpose would be constitutional. The union of the States rested on the intelligence and virtue of the people, and not on any advantages it might afford to any particular State. It was the duty of the Senate to resist all attempts to discriminate between the States, and to annex any new Territory or State with a view to the advantage of any State or its peculiar domestic institutions would be unwise, unjust, and contrary to the Constitution.

Still another view was expressed by Mr. McKean in two resolutions setting forth that Congress had no constitutional right to abolish slavery in any State wherein it then existed, and that it was not expedient, at that time, to legislate concerning slavery in the District of Columbia.

Meantime the discussion of Calhoun's resolutions had begun. The first was adopted as presented; the second was amended by striking out the words "assumption of superiority" and "insulting to the States interfered with"; in the fourth the phrases "essential element" and "distribution of its powers" were changed to "important element" and "apportionment of its powers." While the fifth was under debate Clay announced that he could not vote for it in the shape in which it had been presented. Whether the Constitution was framed by the people of the United States acting collectively, or by the separate States composing the Confederacy was a question which, he had always thought, had received more importance than it deserved. Whether formed in the one way or the other, the powers granted in it were exactly the same, and the real question was not how the Constitution was framed, but what is it? He could not, again, but consider the combination of the subject of abolition with that alien and the most exciting of all subjects at the present time, the annexation of Texas, as most unnecessary and most unfortunate. In his opinion the best way to check the spirit of abolition was to receive the petitions respectfully and refer them to the Committee for the District of Columbia. The mode of disposing of these petitions lately pursued by the Senate certainly had not produced the tranquilizing effect so anxiously desired. The Abolitionists had not diminished. They had increased, and, from most satisfactory information, they had increased because they had been able to persuade many that the right of petition had been denied. If additional succor were given them by coupling the annexation of Texas, in the same resolutions, with the subject of abolition, then indeed there was much reason to fear that the North would, at no distant day, be united as one man. A wiser course was to keep the Abolitionists separate from all other classes, and the subject of abolition apart from and distinct from the right of petition, from Texas, and from all other subjects.

Having said so much on the general subject, with the permission of the Senate, he would read some resolutions covering the whole ground occupied by any of the petitions

in respect to slavery. The resolutions which Clay then read set forth that domestic slavery was subject to the exclusive control of the States in which it existed, and that neither the people of any non-slave holding State nor Congress could rightfully exercise any power whatever to interfere in any manner therewith. If any citizen of the United States, regardless of the spirit of peace, harmony, and union which should animate every member of the Confederacy, should present to the Senate any petitions touching the abolition of slavery in any of the States, such petitions should be instantly rejected, without debate and without further proceedings. When Maryland and Virginia ceded the District of Columbia to the United States, slavery existed in both these States, and as it still existed in both of them, it could not be abolished in the District without a violation of that good faith which was implied in the cession and acceptance of the Territory; nor, unless compensation were made to the slave owners, without an infringement of an amendment of the Constitution; nor without exciting just alarm in the States recognizing slavery far transcending in mischievous tendency any benefit which could be accomplished by abolition. Therefore it was the deliberate judgment of the Senate that slavery ought not to be abolished in the District; but it felt itself constrained to declare that it held itself bound to receive and respectfully treat any petitions, couched in decorous language, presented by citizens of the United States touching slavery in the District; and that such petitions when received should be referred to the appropriate committee. To abolish slavery in Florida, the only Territory in which it existed, would be highly inexpedient because of the serious alarm which would thereby be excited in the States sustaining slavery; because the people of that Territory had not asked that it be done; because when the Territory was admitted as a State into the Union they would be entitled to decide that question for themselves; and because it would be a violation of a solemn compromise by which, while slavery was prohibited north it was admitted south of the line thirty-six-thirty north latitude.

These resolutions, Clay said, contained nothing abstract

or metaphysical. They related to the abolition of slavery in the States, in the District of Columbia, and in Florida, the only Territory wherein slavery then existed, and to the slave trade between the slave-holding States. They covered the whole field, and nothing but the field; had no ulterior views, and approached the subject directly and without the necessity of any interpretation. He ended by moving his third resolution as an amendment to the fifth of the series offered by Calhoun. But much debate took place and much amendment was made before it was adopted, and in substance declared that the interference by the citizens of any of the States with the view to the abolition of slavery in the District would be dangerous to the rights and security of the people of the District; that any act of Congress designed to abolish slavery in the District would be a violation of the faith implied in the cession by Maryland and Virginia and a just cause of alarm to the people of the slave-holding States, and would have an inevitable tendency to disturb and endanger the Union; that any attempt of Congress to abolish slavery in any Territory of the United States in which it existed would create serious alarm and just apprehension in the States sustaining that domestic institution; would be a violation of good faith toward the people of any such Territory, because they had not asked for the abolition of slavery therein, and because, when any such Territory was admitted into the Union as a State, the people thereof would be entitled to decide that question for themselves.

The sixth of Calhoun's resolutions was laid on the table, as the subject was one that could be more appropriately discussed in connection with the resolutions for the annexation of Texas introduced by Preston, of South Carolina.*

In the House the presentation of petitions and memorials touching slavery in the District and in the Territories, and the annexation of Texas, was productive on more than one occasion of scenes of great excitement. Late in December, Mr. Slade presented two memorials from Vermont

* Congressional Globe, 25th Congress, 2d Session, Appendix pp. 21–32; 36–41; 53–65; 69–74.

praying for the abolition of slavery in the District, and moved that they be referred to a special committee. But debate threatening to arise, they were laid over. When at last they were taken up, Mr. Slade read one, complained of the manner in which the House disposed of abolition petitions, and charged preconcerted action by Southern members, some of whom invariably rose and moved to lay all motions for reference on the table. Mr. Wise repelled the charge. Mr. Dawson called on Slade to explain his remarks, and when he had done so and began to discuss slavery, the chairman stopped him. He then modified the motion to refer to a select committee by adding the words, "with instructions to report a bill abolishing slavery within the District of Columbia"; went on with his speech amidst calls to order, requests for the floor, appeals to the chair, and motions to adjourn; quoted from the Declaration of Independence and the constitutions of the several States, and was about to take up that of Virginia when Wise called him to order.

The chair having ruled in his favor, he read a memorial of Franklin on slavery, and was about to show the state of feeling in Virginia previous to the date of the memorial, when Wise rose and asked his colleagues to retire with him from the hall. Mr. Holsey made a like request to the Georgia delegation and hoped every Southern member present would leave the chamber. Mr. Rhett then announced that the South Carolina delegation had consulted and agreed to meet at three o'clock in the room of the Committee for the District of Columbia, whereupon numbers of the Southern delegates left the hall. Great confusion followed. Objection was made to the gentleman from Vermont proceeding, and the speaker was about to take the question of permitting him, when the House adjourned. Mr. Campbell, of South Carolina, then announced that many of the Southern delegates had assembled in the District Committee room, and that he was instructed to request the immediate attendance of all gentleman representing slave-holding States.

The chairman of the meeting was Mr. Patton, and from him, the next day, came a request for consent to introduce

a resolution. Adams objected; but the rules were suspended and the resolution introduced.*

Mr. Patton then made a few remarks stating why the resolution was introduced and moved the previous question. Adams at once arose and had said, "Mr. Speaker, the gentleman precedes his resolution," when the chamber rang with cries of "Order, order, order!" and Adams was commanded to take his seat. The demand for the previous question was then seconded by the House; the question "Shall the main question be now put?" was in order, and the main question on agreeing to the resolution was carried by one hundred and twenty-two yeas to seventy-four nays. When Adams's name was called he rose and said, "I hold the resolution to be in violation of the Constitution of the United States, of the right of my constituents and of the people of the United States to petition, and of my right to freedom of speech, as a member of this house." After all had voted and the clerk had read the list Adams rose and said that he did not hear his name called and asked to have his answer entered. The speaker replied that the only answer that could be given was aye or nay. Adams then moved that his answer be entered on the journal as he gave it. The speaker ruled the motion out of order; whereupon Adams asked that his request and the speaker's decision be recorded as part of the journal.

A week later, after presenting sundry petitions touching the cultivation of the mulberry-tree and the manufacture of silk, Adams announced that he would present a petition from the inhabitants of Halifax praying for the abolition of slavery in the District. This he did because he believed the resolution laying all such petitions upon the table was unconstitutional, null, and void; and because he did not consider himself bound by that resolution any further than he was bound by physical force. He had also a petition demanding that the resolution should be rescinded by the House which he

* "*Resolved*, That all petitions, memorials, and papers touching the abolition of slavery, or the buying, selling, or transferring of slaves in any State, district, or territory of the United States be laid upon the table without being debated, printed, read, or referred, and that no further action whatever shall be had thereon."

would offer later. He would also say that since the adoption of the resolution he had received a great number of petitions from Philadelphia and other cities, expressing in the strongest terms the indignation of the petitioners at that tyrannical and unjustifiable measure. The chair intimated that his remarks were irrelevant; whereupon Adams replied, "I do not submit to that resolution any more than I am obliged to submit to the power of the House. I denounce it as unconstitutional and oppressive."

The effect of the gag resolution on the people was quickly apparent. To sign protests denouncing it as a violation of the right of the people to petition, and of the representative to freedom of speech, and a bold assumption of authority dangerous to representative government, the rights of minorities, and the sovereignty of the people, became the fashion of the hour. From Massachusetts came more than one hundred and fifty; from New York nearly fifty; from Pennsylvania nearly thirty; from Ohio thirty. Indeed, the only free State from which none came was Illinois. The General Court of Massachusetts protested against the gag as an assumption of power, as a violation of the spirit of the Constitution, as subversive of the principles of free institutions, at war with the prerogatives of the people, derogatory to the dignity and rights of the States, and dangerous to the Union.* Connecticut also sent a protest in much the same words.†

In the midst of this petition signing and protesting, a new attack on freedom of speech was made in Philadelphia, where a pro-slavery mob destroyed Pennsylvania Hall. Driven from the churches, halls, and public buildings of that city, the abolitionist, anti-slavery people, and friends of free discussion had put up a building, named it Pennsylvania Hall, because the motto of the State was Virtue, Liberty, and Independence, and had dedicated it to Liberty and the Rights of Man. The ceremony of dedication took place in May, occupied several days, and afforded an occasion for addresses on Temperance, on the Right of Free Discussion, on the

* Passed April 16, 17, 1838; Journal of the House of Representatives, 25th Congress, 2d Session, pp. 987, 988.

† Ibid., pp. 1026, 1027.

Right of Petition, on Indian Wrongs, on the Abolitionists, on Slavery and Its Remedy, and on Requited Labor. No trouble occurred on the first day; but on the morning of the second, manuscript placards were seen posted in several parts of the city. "Whereas," they read, "a convention to effect the immediate abolition of slavery is in session, it behooves all citizens who respect the rights of property to interfere, forcibly if they must, to prevent the violation of pledges." * All so disposed were then called on to meet in front of the hall the next morning and demand the adjournment of the convention. Few came during that day; but the evening meeting was disturbed by stamping, yelling, and the throwing of bricks. The following morning, the fourth day of the meeting, the mob gathered early. The managers in alarm applied, first to the mayor and then to the sheriff, for protection. Neither would do anything. About sunset the mayor announced that, if given possession of the building, he would disperse the mob. The keys were thereupon delivered; the mayor made a speech to the mob, and, when he had finished, the attack began. The door was beaten in, window blinds and books from the anti-slavery bookshop on the first floor were heaped on the speaker's platform, the gas pipes, pulled from the ceilings and walls, were bent toward the pile of books, a match was applied, and in a few hours the building was in ruins.

All the next day the mob ruled the city and when night came attacked and set fire to the Shelter for Colored Orphans,† stoned a negro church, and howled around the houses of several anti-slavery men. For denouncing the attack on the women's meeting as a "scandalous outrage against law as well as against decency" the office of the *Public Ledger* was surrounded; ‡ but, hearing that it would be defended, the mob moved off and attempted to burn a negro church.

When the excitement had gone down the mayor published a defense of his inability to scatter the mob, the Gov-

* History of Pennsylvania Hall, which was destroyed by a mob on the 17th day of May, 1838, p. 136.

† Public Ledger, May 19, 1838.

‡ Ibid., May 24, 1838.

ernor offered a reward of five hundred dollars for the arrest and conviction of each and every person engaged in the destruction of the hall or the asylum; the mayor offered two thousand dollars, and the Committee on Police made a report to Councils. The cause of the destruction of the hall was, the committee said, the determination of the owners to "persevere in openly promulgating and advocating in it doctrines repulsive to the moral sense of a large majority of our community. Of their legal and constitutional right to do so there can be no question." But that they had a moral right, the report attempted to disprove. The willingness of the citizens to countenance the mob, and the refusal of the onlookers to respond to the cry, "Support the mayor," were the causes for the inability of the mayor to save the hall.*

The press, the country over, united in lamenting or condemning the violence of the mob; but in the free States it was divided on the question where to put the blame. The *New York Gazette* laid it on "the white-skinned damsels who promenaded the streets of Philadelphia arm and arm with their lamp-black paramours." The Philadelphia journals denied that such a sight had ever been seen in their city. The *Baltimore Patriot* declared that "this nation is the only one which presents the disgraceful spectacle of a set of women leaving the sphere of domestic duty to which they belong and voluntarily agitating questions which have rarely yet been touched upon without rousing the worst passions of the community." The *Lynn Record* bemoaned the debased tone of the city journals that extolled women "for dancing, singing, speaking, and acting publicly in a manner which decency would blush to witness, but express great horror when a sensible and benevolent female, personally acquainted with, and deeply feeling for, the injuries and outrages done her sex," comes forward to plead for their removal. "Who are the rioters?" said the *Philadelphia Spirit of the Times*. "As a solemn truth we answer—the abolitionists. The liberty of speech and the freedom of the press are two of the strong pillars of the Republic, and we would be the last to abridge

* Report of the Committee, Public Ledger; History of Pennsylvania Hall, pp. 175–195.

or destroy the one or the other. But what is a rioter? Now we contend that the abolitionists are rioters, wanton, licentiously festive, seditious, turbulent, and that they knew the building of the Pennsylvania Hall would cause a riot in Philadelphia some day."

"The destruction of this Temple of Amalgamation in the City of Brotherly Love should not be regretted by any American citizen who entertains just pretentions to patriotism," said the *St. Louis Saturday News.* "We would as soon denounce the sages of our revolution as rebels as cast a shade of censure on the actors of the late Philadelphia affair. The abolition lecturers and the proprietors of this unholy temple may think themselves fortunate that their ashes have not been mingled with the rubbish of their edifice."

The example thus set in Philadelphia was quickly followed elsewhere. While the ruins of the hall were still smoldering a mob attacked a church in Paterson where an abolition meeting was in progress, smashed the doors and windows, and scattered the audience. But when placards were posted in Boston and the mob summoned to attend the dedication of a negro church known as Marlboro Chapel, the mayor ordered four companies of light infantry to be ready to march at the tolling of the bell. When Fanny Wright attempted to lecture in New York she was, on one occasion, driven from the stage by indecent language, and on another an attempt was made to seize her. When the Genesee Conference and Preachers' Anti-Slavery Society met near Elmira the mob broke up the meeting.

CHAPTER LXVIII.

BUCKSHOT, AROOSTOOK, AND ANTI-RENT WARS.

While the people in the free States were being thus aroused by the anti-slavery issue, the people everywhere were called on to declare for or against the great financial issue—the divorce of bank and State. Van Buren in the annual message in December had a second time urged the sub-treasury plan. This he did because, since the suspension of specie payment by the banks, the plan had been in operation and ample time had been afforded to judge of its success; because he did not consider the action of Congress at the late session as final; because time had been afforded the members to consult their constituents, and because he was more than ever convinced of the wisdom of the plan.

His remarks were referred by the Senate to its Committee on Finance, of which Silas Wright was chairman, and by him another sub-treasury bill was promptly reported. The one lost at the last session provided for the total divorce of banks and treasury, and there stopped. But the friends of a specie currency in the course of debate proposed an amendment which prescribed that the kind of money to be received should in time be specie. With this amendment the bill passed the Senate, but not the House. Profiting by this experience, the committee, when drafting the new bill, inserted a section which was in substance the old amendment. From and after the last day of December, 1838, one-sixth of all duties, taxes, sales of public lands, debts, and of all sums of money due the United States were to be paid "in the legal currency of the United States." From and after December 31, 1839, two-sixths were to be so collected,

and the amount increased by one-sixth each year till the last day of the year 1843, after which the only sorts of money that could be received by the United States for postage, lands, taxes, duties, debts of any sort were gold and silver coin or notes, bills or paper issued under the authority of the United States.

Four receivers general were to be appointed to hold office during four years. One was to be stationed at each of the cities of Boston, New York, Charleston, and St. Louis, and these, with the treasurer of the mint at Philadelphia, and of the branch mint at New Orleans, and the treasurer of the United States at Washington, were to be keepers of the public money.

The friends of the bill were for prompt consideration and its enemies for delay. It was pointed out by Calhoun and those who urged immediate consideration that the business world the country over was deeply concerned with the fate of the measure;* that commercial men were unwilling to go on with the transaction of their regular business operations till Congress had acted definitely on the currency question; and that to act was a plain, imperative duty. Clay led the opposition. Since the beginning of the Government there had never, in his opinion, been a bill of such momentous magnitude or fraught with such tremendous consequences as this one. All the calamities of war with the most potent power on earth, he said, would be a blessing compared with the consequences of the measure. It would consolidate the Government and destroy the power and influence of the States. It would place at the feet of the Secretary of the Treasury a power equal to the combined power of nine hundred banks scattered over the Union. He was for delay till expression of opinion came from the States and the people. He wanted to hear from the West, from Albany, from Richmond, from the Keystone State, from all quarters of the country that were so deeply and vitally interested in the bill. That was no reason, in the opinion of Calhoun, for delay. Let us, said he, argue here and let our arguments go to the

* Journal of the House of Representatives, 25th Congress, 2d Session.

States. We can discuss the subject better than the States, and before we come to a decision the State Legislatures will have adjourned.

As the debate proceeded the protests from the States, and the petitions from the people for which Clay insisted that the Senate should wait, came in by scores. States that protested complained that the sub-treasury plan was a union of purse and sword, was anti-republican, was against the spirit of our free institutions, was unsafe, impolitic, injurious, unnecessary, odious. It would separate the government from the interests of the people; would establish one kind of currency, gold and silver, for the Government and the office-holder, and another kind, depreciated paper money, for the people; would create a multitude of new officers; would expose the public money to embezzlement and to corrupt and partisan use; would increase the patronage of the executive, and would set at naught the constitutional obligation of the Government to regulate commerce between the States by providing a sound and uniform currency. It would injure the State banks by taking away their specie; would withdraw millions of money from trade and commerce and lock them up in safes and vaults for long periods; and by so doing would disarrange the currency and prostrate business.

Many of the States went so far as to instruct their Senators and request their Representatives to vote against the sub-treasury plan. Buchanan, who was so instructed, announced that he believed in the right of the State to instruct and in the duty of the Representative to obey, and that he must, therefore, vote against the bill, though he had rather resign than do so. When a similar command was sent to Grundy, of Tennessee, he wrote a long letter to the General Assembly and scolded it soundly. "You have," he said, "taken upon yourself the responsibility of the vote I am to give. I am, therefore, relieved from it, and shall obey in good faith." Nevertheless, nothing save his belief in the right of instruction made him obey; for he had heard of no memorials requiring the Legislature to interpose between him and his vote. He knew that the members were elected before the sub-treasury plan was suggested; and he did not believe many of

them had since consulted their constituents, or had even seen a copy of the bill so vigorously condemned.

Between those who opposed an independent treasury and those who upheld it was a third party disposed to compromise, and from those so minded came another bill offered as a substitute. To reëstablish a national bank, they admitted, was not possible. To continue the system established by the deposit act of 1836, they granted, was not expedient; but to cut off all connection with State banks, they held, would be the ruin of business. The substitute proposed, therefore, that not more than twenty-five banks should be employed as public depositories, and that they should pay their notes in specie, and be selected by the Secretary subject to the approval of Congress. All revenues were to be collected in gold, silver, treasury notes, or notes of specie-paying banks. One year after the act went into effect the notes of banks circulating bills under five dollars were not to be received in payment of debts due the United States; and at the end of a second year the notes of such banks as circulated bills under ten dollars were to be barred.*

The issue before the Senate thus became the bill or the substitute. As the debate proceeded, Buchanan, as instructed by the Legislature of Pennsylvania, moved to postpone consideration of the bill till the next session. This was decided in the negative. A little later the substitute was lost. The section of the original bill which required that the Government should gradually cease to receive the notes of State banks, and, after 1843, take nothing but specie or Government paper, was next stricken out, and thus changed, the bill passed. Late in the session the House of Representatives refused to order the bill to its third reading and, by so doing, rejected it.

Congress adjourned a few days later; the members went back to their homes; the campaign for the election of members of the Twenty-sixth Congress opened in earnest, and addresses, speeches, letters to constituents, and the questioning of candidates and their replies became matters of cur-

* Niles's Register, February 3, 1838, p. 365.

rent interest. A committee, claiming to speak for the Republican members of Congress, put forth a long address to Republicans everywhere. Recent years, they said, had been fruitful of changes destined powerfully to affect the political destiny of the country. In a land developing with the rapidity of the United States such changes must occur. But never before, in so short a time, had there happened so many events of such far-reaching importance. Within the last few years the national debt had been paid; the charter of the national bank had expired; the misnamed American system had been destroyed; the suspension of specie payment had occurred; and the issue of abolition had arisen to torment the country.

The first effect of all there had been to unsettle public opinion. In this state of affairs, therefore, it was their duty as men intrusted with the management of public affairs to give a full and explicit exposition of their views. The committee then went on to state at length the objections to the establishment of a national bank, a treasury bank, or one of any sort; discussed the evils of, and the cure for, a surplus revenue; urged the advantages of the sub-treasury plan; reviewed the objections that it would increase executive patronage, was a blow at the banks, and an attempt to force on the country a purely metallic currency; and closed with a denunciation of abolitionism. Slavery existed when the Constitution was framed, was recognized in the provisions for apportioning representation and direct taxes, and in the requirement that fugitives from labor should be returned. Power to regulate slavery was not delegated. It was retained, therefore, by the States, and any interference with Slavery, or the slave-holding States, by other States or their citizens was a violation of the national compact. To abolish it in the District of Columbia would be a step toward abolition in the States, and as such was at variance with the Constitution. On the delicate question of the gag resolution the committee had nothing to say. On this issue, however, and on the attempt to annex Texas, John Quincy Adams wrote a long letter to his constituents, and McDuffie of South Carolina, Polk of Tennessee, Pierce of New Hampshire, Dicker-

son of New Jersey, and many whose names were long since forgotten, found it necessary to explain their position.

When the returns came in from the autumn States Whig gains were manifest in Vermont, North Carolina, Georgia, Ohio, Illinois, Missouri, in the election of Whig candidates and in reduced Democratic majorities. Mormon troubles, it was said, had much to do with the Whig success in Missouri, and the border troubles with Democratic defeat in Vermont. There a Whig Governor was elected; but, in the Congressional district bordering on Canada, the Whig candidate for reëlection was beaten because he had cast his vote for an Act of Congress, passed at the late session, for the enforcement of our duties as a neutral. In Maryland the people acting under the amended Constitution were, for the first time in the history of the States, to elect a Governor and State Senate. The Democrats elected the Governor by a majority of less than two hundred and fifty in a total vote of nearly fifty-two thousand.

In Ohio the Governor had surrendered John B. Mahan, a farmer and Methodist preacher, to the Governor of Kentucky on the charge of kidnapping. The indictment accused him of having aided and assisted a certain slave to escape to Ohio.* When the trial came on a witness swore that Mahan told him that during the month preceding the indictment fifteen slaves had passed through his hands; that there was a chain reaching from Kentucky to Canada for the purpose of forwarding fugitive slaves, and had urged the witness to become one of the links. It was shown by the defense that Mahan was a citizen of Ohio, had never been in Kentucky till brought there by legal process, and that the statute of Kentucky did not apply. The judge, in his charge, reminded the jury that slaves in Kentucky were better fed and clothed than many of the Abolitionists; were well treated, had trial by jury, and were punished more mildly than whites; that slavery was a divine institution, and finally warned the jurors to remember that they had no jurisdiction over crimes committed out of the State.† Convinced that the offense charged had not been

* The Liberator, November 2, 1838.

† Ibid., December 7, 1838; Niles's Register, December 1, 1838.

committed in Mason County, the jury returned a verdict of not guilty.

Meantime the extradition of Mahan became a political issue, and Governor Vance was defeated.

In New York Seward and Marcy, candidates for Governor, were asked if they were in favor of granting jury trials to negroes claimed as fugitive slaves, if they believed in the abolition of all distinction in the constitutional rights of citizens based on color, and if they would support the repeal of the New York law which authorized the importation of slaves into that State and their detention as such for nine months. Seward replied that these subjects entered not at all into the political creed of the large body of freemen whose candidate he was. Yet he would answer them, and to the first his answer was yes; to the second a qualified no, and to the third that he could see no good to be accomplished by declaring to the people of the Southern and Western States that, if they entered the State of New York, they must not bring with them those attendants whom custom, habit, or education had made necessary.

Marcy replied that there was a law on the statute books of the State which provided, that when a claim to a person as a fugitive slave was disputed the issue might be submitted to a jury, and that, if the proper tribunal should sustain this law, he was in favor of retaining it in the code; that he was not in favor of putting negroes on an equality, as to voting, with whites, and that he did not believe in a repeal of the law alluded to in the third question.* Tracy, the Democratic candidate for Lieutenant-Governor, took the same ground as Marcy.†

Bradish, the Whig candidate for Lieutenant-Governor, said yes to each question. Levi Lincoln, when asked by the Worcester Anti-Slavery Society for his views on the abolition of slavery in the District of Columbia and the admission of any new slave-holding State into the Union, declined to give any pledges and referred to his past record. In New

* Niles's Register, November 3, 1838, pp. 155, 156.

† Ibid., November 24, 1838, p. 206.

York, however, the anti-slavery issue was overshadowed in importance by the financial issue at one end of the State and the border troubles at the other. On each of these the policy of the administration was detested. Business men denounced the sub-treasury plan; men along the border abused Van Buren for tamely sumbitting to the *Caroline* outrage, and aiding Great Britain in her attempt to subdue Upper Canada, and Seward was chosen governor by the Whigs.

In Maine both candidates for Governor were questioned by the anti-slavery people, and both parties exerted themselves to their utmost. Ninety thousand votes were polled, which was more by nineteen thousand than had ever before been cast at any election. Kent, the Whig candidate, was beaten.

In Pennsylvania and New Jersey fierce contests followed the election and brought on what is known as the Buckshot War in one and the Broad Seal War in the other. To understand the struggle in Pennsylvania it is necessary to recall the political system in use at that day. For certain election purposes the county of Philadelphia was cut off from the city, and in this dispute Philadelphia, as a city, was not concerned. The elections were for a Member of Congress, two State Senators and eight Representatives. For the election of member of Congress the county was cut into two districts, the candidates in one of which were Naylor for the Whigs and Charles J. Ingersoll for the Democrats. For convenience of voting the county was divided into seventeen districts. In some all the votes were received at one window; in others at several windows; but at each window there were a judge, two inspectors, and two clerks. The voting over and the polls closed, these men counted the votes presented at their windows, and made out a written statement which all signed. When there were several windows at one voting place, the judges for each met, prepared, and signed the return. Each district then appointed a return judge, who, on the Friday following the election, must repair to Independence Hall, taking with him the signed return of his district.

When these return judges, seventeen in number, met

in December, 1838, ten were Democrats and seven Whigs. They were to make "one general and true return of the whole district." But ere they could proceed to this work, Ingersoll, followed by a host of supporters, entered the room and protested against counting the returns of Northern Liberties. First, he charged fraud; but on this the judges had no authority to act. He then charged irregularity and claimed that one of the two tally lists required by law to be made was lost. The list in question was that of one ward out of seven in the district; yet Ingersoll insisted that the returns of all the seven be rejected, and by a vote of ten to seven the judges so ordered. This gave Ingersoll a majority over Naylor.

In the sixteen districts counted the average Democratic majority for Senators and Representatives was fifteen hundred; but in Northern Liberties the Whigs had an average majority of one thousand. Had it been counted, the Democrats would still have had an average majority of five hundred.*

Having decided to reject Northern Liberties, the ten judges prepared duplicate returns, deposited one in the prothonotary's office of Philadelphia, and sent the other through the post-office to the Secretary of the Commonwealth at Harrisburg. A notice was then sent to each successful candidate. This was in strict accordance with law.

Six of the Whig judges, however, met privately at night, canvassed the returns of the districts represented by the seven Whig judges, for they could get no others, certified the election of two Whig Senators and eight Representatives, filed a copy in the office of the prothonotary, and gave a duplicate to the sheriff, who sent it posthaste to Harrisburg.†

The contest for the seat in Congress could not be settled till the Twenty-sixth Congress met, in 1839. But who should have seats in the Legislature must be settled when that body assembled early in December. As the day for the meeting

* Statement of the Democratic members of the Legislature, The Pennsylvanian, December 12, 1838.

† The Pennsylvanian, October 18, 1838.

of the Legislature drew near, every car, stage, and boat that came to Harrisburg was packed with men of both parties fully determined to seat their candidates, by force if necessary. One report, from a Whig source, declared the Federal Government was rallying its myrmidons, hired bullies, and legions to resist control, and overawe the government of a State. Another, from the Democratic side, declared that the city swarmed with State officeholders gathered to sustain fraud and usurpation. Be this as it may, on December fourth, the day appointed for the meeting of the Legislature, the halls, lobbies, and galleries of both houses were filled with a crowd of angry and excited citizens.

In the House proceedings began by an order for the clerk of the last House to read the returns of the late election for representatives. The Secretary of the Commonwealth then appeared and laid on the Speaker's desk what he stated were the official returns. The first to be read were those from Philadelphia County, and when the clerk had finished reading them a Democratic member asked by how many judges they were signed. The clerk replied by six judges. The member then presented a copy of a return signed by the ten judges and certified by the prothonotary. After some debate, the clerk was allowed to finish reading the returns from all the counties and then proceeded to call the roll of names returned as representatives. Forty-eight Democrats and forty-four Whigs had uncontested seats. Eight seats were in dispute. While the clerk was calling the roll Thaddeus Stevens rose and appealed to the fifty-two Whigs to elect a Speaker, moved that tellers be appointed, put the motion, named the tellers, and finally declared Cunningham, the Whig candidate, elected. Cunningham then took the chair, was sworn into office and administered the oath to the fifty-one Whigs, who soon adjourned till one o'clock the next day.

The clerk meantime had finished the roll call, to which none but the fifty-five Democrats present answered. By these men another Speaker was elected, and, after he had been sworn into office and had administered the oath to the Democrats, they adjourned till ten o'clock on the following day.

The Senate did not meet to organize till afternoon.

Charles B. Penrose, late Speaker of the Senate, took the chair. This was a departure from old usage and some displeasure was shown; but order was soon restored and the Secretary of the Commonwealth brought in the returns, and the clerk was ordered to read the names of Senators who attended the last session and omit the names of those newly elected. The names of the new members were next read; but when the clerk presented the return of the six Whig judges certifiying that two Whigs had been elected, a Senator offered the certified copy of the return of the ten Democratic judges. But the chair refused to touch it, said that no return but that offered by the clerk could be accepted, and after some debate and in the midst of much excitement Penrose was again elected Speaker and the new members, including the two Whigs from Philadelphia County, took the oath of office.

The Democratic members state, in the story of the affair published over their signatures,* that no disorder occurred till after the Senate adjourned, when the crowd took possession of the floor.

The Whig Speaker and Senators in an address to the people declare that during the proceedings the crowd in the gallery applauded Democratic members, shouted "Hear him! Hear him!" "Reconsider your decision!" "We will have our rights!" when a member was declared out of order, and, when the motion to adjourn was made, rushed within the bar before the Speaker had announced his decision, took possession of the hall, and forced the Speaker and several members, under threats of violence, to escape by a back window.†

Early on the morning of the second day of the session the Democratic members of the House met and were still in session when, at two in the afternoon, the Whigs, who had adjourned to meet at that hour, attended. At the suggestion of their Speaker, a member moved that the House adjourn; but the mob from the lobbies and the gallery rushed upon him, drove him from the hall, and, following after him, broke one of the doors and in other ways injured the room. On

* To the Freeman of the Commonwealth of Pennsylvania. This is signed by the Democratic Senators and Representatives.

† Pennsylvania Telegraph, Extra, December 6, 1838.

the third day no session was held, and the mob had possession of the chamber. The Whig Speaker now addressed the people in behalf of "the members of the House of Representatives driven from its hall." * The Legislature, he said, had been dispersed and prevented from assembling by tumultuous and riotous multitudes; lives of members had been threatened and put in jeopardy; officers of the State Government had been designated as objects of attack, and all these proceedings had been instigated by officials of the General Government.

Not knowing what this mob drawn from Philadelphia and other places might do, the Governor called on the captain of the United States Dragoons at Carlisle for aid, which was refused; called on the captain in charge of United States munitions of war at Frankfort for fixed ammunition, who promptly issued ball, buckshot, and pistol cartridges; and appealed to the President of the United States. Van Buren was told that the Senate had been forced by violence to adjourn; that the Speaker had been driven from his chair, that the State Department was closed, and was asked to defend the State against domestic violence. The President replied that the disorder of which the Governor complained did not arise from opposition to the laws, but out of a political struggle between different members of the Government, and that in such a contest the Federal Government could not interfere. Some State militia, meantime, were summoned from Carlisle and Philadelphia.

On the night of the opening day of the sessions, a meeting of citizens of Harrisburg appointed a committee of safety and met again the next morning to assert their determination to maintain their rights and support the Democratic members of the Legislature in the course they were pursuing. But a rumor spread that the Governor had sent for troops, and that powder and cartridges had been taken to the State Arsenal during the night, and that a force of men were stationed in the building to defend it. Greatly excited by the story, the crowd went off to the arsenal and would have re-

* Pennsylvania Telegraph, Extra, December 6, 1838.

sorted to violence had not two members of the committee of safety appeared and given assurances that the Whig leaders had pledged their honor that no arms, muskets, or ammunition should be taken from the arsenal to arm any forces collected in obedience to the Governor's proclamation.*

The proclamation set forth that a lawless, infuriated, armed mob from the counties of Philadelphia and other places had assembled at the seat of government to overawe the Legislature and stop the discharge of its duties; that this mob had entered the Senate Chamber, and by clamoring, shouting, and threatening violence and death to some members, and by rushing within the bar, had forced the Senate to suspend business; that the mob was still in force and led by an officer of the Federal Government, and that the militia must be ready to repair to Harrisburg to aid in curbing the mob and upholding the supremacy of law.†

The sheriff replied that he knew of no infuriated mobs, no riotous proceedings which required his interposition to preserve the peace. True, there was some uproar and confusion in the chamber of the Senate and in that of the House. But those bodies had ample power to keep the peace within their houses. At all times was he ready to preserve order in Harrisburg. Yet the Governor had not called on him for aid. ‡

Sixty-one citizens of Harrisburg answered him, charged him with having been an eye-witness to a mob that rushed down one of the streets hurling brickbats and missiles at a citizen fleeing before it, and accused him of having done nothing to allay excitement or silence inflammatory speakers.

The Philadelphia troops were the first to arrive. In the order calling them into service General Patterson commanded them to assemble "provided with thirteen rounds of buckshot cartridges" and seven rounds of ball.

When this was made public a meeting of Democrats in Philadelphia denounced the Governor for the call and General Patterson for his buckshot order, and recommended "the

* The Pennsylvanian, December 7, 1838.

† Ibid., December 10, 1838.

‡ Ibid., December 10, 1838.

free citizens of the several wards, districts, and townships to prepare and hold themselves in readiness to act at a moment's warning in defense of their fellow freemen at Harrisburg." The Democrats of Berks County, at a meeting at Reading, ordered a committee of observation, consisting of five hundred men, to be appointed to go to Harrisburg; recommended the executive committee, chosen by the meeting, to accept the services of three thousand minutemen to be ready to act at the shortest notice, and pledged their lives, fortunes, and sacred honors to support the Constitution and the laws against usurpation. At Philadelphia meanwhile mass meetings had been held by both Whigs and Democrats, a committee of conference had been appointed by each, and an hour for a joint meeting had been arranged, when the Democrats, hearing that troops had left for Harrisburg, declined to attend.*

Democrats in the Fourth Ward of Philadelphia now assembled and named a committee to enroll such citizens as were "willing to act promptly"; the Harrisburg Committee of Safety issued a partisan address; the Senate appointed a committee to report on the disputed election; and after ten days of service the troops from Philadelphia returned home, their general's order having won for Governor Ritner the title of the "buckshot and ball executive."

At Harrisburg the Democratic House met from day to day and went through the form of transacting business, but was not formally recognized by the Whig Senate; for that body had not decided which House, that under Speaker Hopkins or that under Speaker Cunningham, was legally organized.

To settle this question and enable business relation between the two branches to be resumed, a resolution was introduced in the Senate declaring that the House organized under Hopkins as Speaker was illegally constituted. This was carried by a majority of seven. Thereupon the Democratic or Hopkins House issued an address.

In the House meantime an attempt at compromise was

* The correspondence is in The Pennsylvanian, December 10, 1838.

made by the Whig members. They proposed that both Speakers should resign, that the members whose seats were not contested should elect a new Speaker, and officers pro tem, and that a committee should investigate the rights of the contestants; or that both sets of contestants from Philadelphia County resign and that a new election be held.

At this stage of the quarrel three Whigs who had taken no part in the organization of the Whig House took their seats in the Democratic House, which then had fifty-one undisputed members. Fifty-one was exactly a quorum, and when this fact was made known to the Senate, six Whig Senators joined with the Democrats in the passage of a resolution that the Senate ought no longer to refuse to recognize the House presided over by Speaker Hopkins. A committee was then sent to inform the House that the Senate was organized and ready for business. Nineteen more Whigs now appeared in the House and qualified. Hopkins thereupon resigned and was at once elected Speaker. Neither in the House nor in the Senate were the Whig claimants seated.

In New Jersey six Congressmen were to be chosen. They were to be elected not by districts, but at large, and each party placed the names of its six candidates on one ticket.

The law required that the judges, inspectors, and clerk of election in each town should make separate lists of votes for each candidate and send them to the county clerk on the Saturday next after the election, before five o'clock in the afternoon. By five o'clock on the Saturday after the election the clerk of Cumberland County had received returns from all the towns save Millville. The return from Deerfield was made out as that for the Thirty-sixth, instead of the Twenty-sixth, Congress, and was not included in his return, but was added as an appendix with a notice of the defect. After the hour fixed by law, after the clerk had made out his return, but before he had sent it to the Governor, the return from Millville came in, but was not transmitted.

When the clerk of Middlesex County was making out his return he found that the list from South Amboy was not

signed by the clerk of election, and was signed by a person as inspector who by the records did not appear to be such an officer. The clerk, because of these irregularities, rejected it.

From the clerks of counties the returns passed to the Governor, who was required to lay them before the Privy Council, who were to cast up the whole number of votes in all the counties, determine the six persons having the greatest number of votes from the whole State, and commission them under the great seal to be representatives in Congress. This was done; and, having no returns from Millville and South Amboy, the Governor and Council found the six Whig candidates elected, and they were given certificates under the broad seal of New Jersey. Had the returns from Deerfield, Millville, and South Amboy been presented and counted, five Democratic Congressmen would have been elected. The Democrats, therefore, raised the cry of fraud, denounced the action of the Governor and Council as an election trick, obtained certificates of election for their candidates from the Secretary of State, and so prepared the way for one of the most memorable contested-election disputes in the history of the House of Representatives.

While the elections were under way the work of preparing anti-slavery petitions, remonstrances, and memorials had not been neglected. That the House of Representatives would not receive them was certain. But the course pursued by the majority of that body, when it met in December, greatly surprised and excited the North. By a standing rule, the Speaker was required to call for petitions each day during the first thirty days of the session, and thenceforth on the first day of meeting each week. A party struggle over the election of clerk and other matters so delayed the organization of the House that a week passed before petitions were called for in the order of the States, beginning with Maine. New Hampshire came next, and, when called, Atherton rose and asked leave to introduce five resolutions.

The first declared the Federal Government was one of limited powers and that Congress had no jurisdiction whatever over slavery in the several States; the second asserted that petitions for the abolition of slavery in the District, and

in the Territories, and against the slave trade between the States were part of a plan to destroy slavery in the States.

The third denied that Congress had no power to do indirectly what it could not do directly, and that the attempt to overthrow slavery was against the spirit and meaning of the Constitution, an infraction of the rights of the States, and a breach of the public faith on which they entered the Confederacy. The fourth declared that the Constitution rested on the broad principle of equality among the members of the Confederacy, and that Congress may not discriminate between the institutions of one portion of the States and another, with a view to abolish those of the one and promote those of the other. Therefore, said the fifth resolution, all attempts on the part of Congress to abolish slavery in the District, or in the Territories, or prohibit the slave trade between the States, are violations of the Constitution, and beyond the jurisdiction of Congress, "and every petition, memorial, resolution, proposition, or paper touching or relating in any way, or to any extent whatever, to slavery, as aforesaid, or to the abolition thereof, shall, on the presentation thereof, without any further action thereon, be laid on the table without being debated, printed, or referred."

Caleb Cushing at once objected. Atherton moved to suspend the rules, and the House, having so ordered, made a speech in defense of his resolutions and moved the previous question. The House, by a majority of one, seconded the motion, and by a majority of seven ordered the main question to be put, and the first resolution was adopted.

On the following day the second was adopted as presented; but the others were each divided into two parts before adoption by great majorities. Against this proceeding Wise, of Virginia, had fought persistently. He repudiated them as Southern resolutions, denied that they expressed the sentiments of the South, and called them a trap surreptitiously sprung upon the House. He now offered a set of resolutions of his own, declaring that Congress had no power to abolish slavery in the District, or in the Territories, whether such power was or was not used as a means to over-

throw slavery in the States; that Congress had no power to abolish the slave trade between the States, or between the States and the District, or the States and the Territories; that Congress could neither receive nor consider petitions for the exercise of any power whatever over slavery which Congress did not possess; that Congress alone had power to regulate the mode and manner in which fugitive slaves should be apprehended and tried in the non slave-holding States and in the Territories, and in what manner they should be restored to their owners in the slave States; that Congress could not require any State to abolish slavery as a condition of admittance into the Union; and that slave-owners had a constitutional right to take their slaves to, or through, a non-slaveholding State, and sojourn there temporarily; that Congress is bound to protect such property in such States, and that any laws in conflict with the acts of Congress providing for such protection are null and void. The House, however, refused to suspend its rules in order to allow him to introduce his resolutions.

The effect of the passage of the gag was such as its opponents had again and again predicted. To sign petitions of the proscribed kind now became the duty of every friend to the right of petition and freedom of speech, and ere the session ended, hundreds upon hundreds protesting against slavery in the District and in the States, against the slave trade between the States, against the annexation of Texas and the admission of any more slave-holding States, and calling for the recognition of Hayti and the repeal of the resolution of December twentieth, 1838, were laid on the table as ordered.

Among the petitions and memorials treated in this summary manner was one from the Legislature of Vermont instructing the Senators and requesting the Representatives of the State to oppose the annexation of Texas, and use their best efforts to secure the abolition of slavery in the District, and in the Territories, and of the slave trade between the States and Territories. A solemn protest was also made against the resolution of December twenty-first, 1837, as a flagrant violation of the Constitution. A motion was at once

made that the memorial from Vermont be printed and referred to the Committee of the Whole on the State of the Union. But the Speaker held that it fell under the gag resolution and must be laid on the table. An appeal was taken, a debate followed, and the next day the Speaker modified his ruling. So much as related to slavery, he held, should be tabled, but that protesting against the gag need not be. A motion was thereupon made to lay the motion to appeal on the table, and this was adopted.

In the Senate a petition from citizens of the District praying that slavery might not be abolished within that tract of country was presented by Clay. As a candidate for the Presidency, Clay looked with dread on the spread of abolitionism. The part played by it in the recent elections, the avowed support given by abolitionists to Seward and Bradish in New York, and the defeat of the Whig candidate in Ohio because of the extradition of Mahan seriously alarmed him. He must put himself right with the South, and, seizing the occasion of the presentation of the petition, he defined his position on abolitionism in a speech famous in its day. As to the expediency of such a course, Clay had consulted Senator Preston, of South Carolina, and Preston, when addressing a Whig meeting in Philadelphia not long afterward, told this story: "On one occasion he did me the honor to send for and consult with me. It was in reference to a step he was about to take, and which will, perhaps, come to your minds without more direct allusion. After stating what he proposed, I suggested whether there would not be danger in it, whether such a course would not injure his own prospects as well as those of the Whig party in general. His reply was, 'I did not send for you to ask what might be the effect of the proposed movement on my prospects, but whether it was right. I had rather be right than be President.'" *

Serious as the abolition movement had become, it gave the administration far less concern than the border troubles, which suddenly brought the country to the verge of war with

* Preston's speech before the Democratic Whig Association in Philadelphia, National Intelligencer, March 15, 1839.

Great Britain. The blame for this condition of affairs was laid, by the Whigs, on the new Democratic Governor of Maine. In that State, indeed, the boundary dispute had never been a party issue, and men of every shade of political belief had held but one view. In the country at large, however, the acts of Governor Fairfield found no support, and his Aroostook War was condemned as a piece of political folly.

The Aroostook country, the section of Maine where trouble arose, must not be confounded with the Madawaska region, where Greeley had been arrested two years before. The River St. John, it should be remembered, flows, from its source in the west, almost due northeast into the northern part of the State, then turns a right angle and flows almost due southwest into New Brunswick. Just at the right angle it is entered by the Madawaska River, coming down from the northwest. Near where it enters New Brunswick the St. John is joined by the Aroostook River, coming up from the southwest. Along the Madawaska the Crown had made grants before the Revolution, and Great Britain had thus some show of right to exclusive jurisdiction till the boundary line was determined. Along the Aroostook she had no claim to jurisdiction, for there were no settlements there prior to 1822, when they were made by citizens of the United States and by men who came from New Brunswick that they might be beyond the reach of creditors. Along the Aroostook again jurisdiction had been exercised by Massachusetts, while Maine belonged to her.

After the monument was placed at the source of the St. Croix, Massachusetts ran from it a due north line and located two ranges of townships, six miles square, contiguous to the line and extending many miles north of the Aroostook. In 1807 townships, including a part of the river, were sold and conveyed by Massachusetts, and still others in later years. In 1826 townships west of the two ranges and extending nearly to the St. John were surveyed by Maine and Massachusetts and divided between them. Later still a military road was laid out from the Matawaukeog, a tributary of the Penobscot, across the Aroostook to the St. John. Land agents of both States had long been

accustomed each year to sell timber, grant permits to cut down trees, and had driven out trespassers in this region.

In 1838, following the usual custom, agents of Maine and Massachusetts entered the Aroostook country in April, and in October, and served processes on certain men cutting timber, broke up their camps, and drove off their teams. Later still a third official visited the region. At Grand River he found fifty trespassers; at Fish River, seventy-five with sixteen yoke of oxen and ten teams. These men not only refused to depart, but told the agent they defied Maine to put them out.

When Governor Fairfield was informed of these things he sent a special and confidential message to the Legislature and asked for authority to provide the agent with a force sufficient to disperse the trespassers.* The authority was at once given and ten thousand dollars appropriated to meet the expense.†

With one hundred and fifty men the land agent, Mr. Rufus McIntire, set off from Bangor and, accompanied by the sheriff of Penobscot County, repaired to the mouth of the Aroostook River where three hundred trespassers, well armed, were ready to resist. Finding he had with him a six-pound cannon, they retreated down the river toward New Brunswick. The agent then dispatched a letter to the British warden of the disputed territory asking for a meeting at the house of a certain settler; but one night, while asleep in the house, Mr. McIntire was seized by a party of trespassers, was carried to Woodstock in New Brunswick, and then under guard to the jail at Frederickton.

When the land agent reached Woodstock, and news of his capture and of the presence of Maine troops on the Aroostook spread, a mob broke into the arsenal, took out several hundred stand of arms and set off for the disputed country. On the arrival of the prisoner at Frederickton, Lieutenant-Governor Harvey, of New Brunswick, issued a proclamation, summoned all who had carried off arms and

* Senate Documents, 25th Congress, 3d Session, Vol. IV, Document 270, pp. 8, 9.

† Ibid., p. 12.

munition to return them, denounced the presence of the Maine forces on the Aroostook as an invasion and outrage, and ordered the militia to be ready to march at a moment's notice.*

A copy of the proclamation was forwarded to the Governor of Maine, with a letter in which General Harvey demanded the recall of the Maine forces, asserted exclusive jurisdiction of Great Britain over the Aroostook region, said that his instructions did not permit him to suffer any interference with this exclusive jurisdiction, and that he had ordered a strong force of Her Majesty's troops to be in readiness to support her authority.

The Governor at once demanded that General Harvey release Mr. McIntire, and transmitted the copy of the proclamation to the Legislature. General Harvey replied that the land agent was a State prisoner, and that his fate rested with Her Majesty's government; but that he had ordered the release, on parole, of Mr. McIntire; that if it was the desire of the Governor of Maine that the friendly relations existing between Great Britain and the United States should not be disturbed, the armed force then within the disputed territory must be immediately withdrawn; and that Mr. James Maclauchlan the British warden of the territory who, while on a visit to the camp of the land agent, had been seized by way of reprisal, should be released.

The Governor answered that Mr. Maclauchlan should be released on parole of honor, but refused to withdraw the troops. Reinforcements were meantime hurried to the Aroostook camp which, since the arrest of McIntire, was commanded by Charles Jarvis, and a thousand militia were ordered to assemble at Bangor.

The Legislature as soon as the Governor's message was received unanimously resolved that a sufficient body of men should be stationed on the Aroostook and if practicable on the St. John near the boundary line; appropriated eight hundred thousand dollars for the purpose and instructed the Governor to request the coöperation of Massachusetts, and

* Senate Document 270, p. 13.

to write to the President and ask the aid of the Federal Government.

When the appeal for aid reached Van Buren he sent it with a message to Congress. The acts of the British Governor, he said, were based on the assumption that the United States had agreed to leave Great Britain in sole possession of, and with exclusive jurisdiction over, the disputed territory till the question of boundary was settled. No such agreement existed. Maine had a right to stop the depredations of the timber cutters. But between an effort on the part of Maine to preserve the timber and a military occupation by that State of the disputed territory, there was an essential difference. In such an enterprise he did not think Maine should call on the Government for aid. Amicable means alone should be used. On the other hand, should the authorities in New Brunswick seek to enforce their claim to exclusive jurisdiction by a military force he should feel bound to consider a call from Maine for aid in repelling the invasion. The proper course in the present case was for Maine to disband her force of militia and for each party to release the captured agent of the other.*

The end of the session was near, but in the Senate the message and documents were referred to the Committee on Foreign Relations, and in the House to the Committee on Foreign Affairs.

The House Committee recommended that a special minister should be sent to Great Britain to aid the resident minister in an attempt to settle the long-pending controversy, and reported a bill, which promptly passed.†

The Senate Committee could find no trace of any understanding, expressed or implied, much less of any agreement, that the disputed territory should be under the exclusive jurisdiction of Great Britain. There was, however, a clear understanding that neither party should exercise jurisdiction over any portions of it save such as had been in the actual possession of the one or the other. In sending armed men to drive out the intruders Maine had not violated the un-

* Messages and Papers of the Presidents; Richardson, Vol. III, pp. 512–21.

† Congressional Globe, 25th Congress, 3d Session, pp. 217, 218.

derstanding, and should her Majesty's Government persist in the attempt to maintain exclusive jurisdiction by force then the President would be justified in using the military power of the United States to repel invasion. When, therefore, the House bill to give the President authority to resist any attempt of Great Britain to enforce by arms her claim to exclusive jurisdiction over the disputed territory in Maine, use the land and naval forces if necessary, and in the event of the actual invasion of our territory, call for fifty thousand volunteers, borrow ten million dollars, arm and equip the naval force, and put such a fleet of vessels on the lakes as he thought proper, reached the Senate it was passed unanimously. One section made an appropriation for the outfit and salary of a special minister to Great Britain if the President saw fit to send one. Yet another limited the duration of the act to sixty days after the meeting of the first session of the next Congress.

While the two committees were considering the question, Forsyth and the British Minister drew up and signed a memorandum. This stated the views of Great Britain and of the United States as to jurisdiction, declared that the issue could only be settled by friendly discussion, and that meantime Her Majesty's officers would not seek to drive out the armed party sent by Maine; that the Governor of Maine would withdraw it; and that the agents of both parties who had been taken into custody should be released.*

As soon as the memorandum was signed copies were sent posthaste to the Governors of Maine and New Brunswick, and General Scott was ordered to Augusta. There he found a new levy of a thousand men about to start for the Aroostook. But the arrival of the memorandum and the presence of Scott induced the Governor to delay the march till the Legislature had considered the action of the Secretary of State. Scott meantime dispatched a proposition to Governor Harvey. If the Governor of New Brunswick would agree not to attempt to take military possession of the disputed territory, or seek by force of arms to drive out

* Congressional Globe, 25th Congress, 3d Session, pp. 526, 527.

the armed posse or troops of Maine, Scott was sure the Governor of Maine would agree not to disturb New Brunswick in the possession of the Madawaska settlements, or seek to dislodge the British by force of arms. Harvey at once agreed to this,* the Governor of Maine also assented; † the troops at Augusta were sent home, others were recalled from the Aroostook country, and the prospect of war, for the present, was averted.

To Van Buren these border troubles were a source of much anxiety. A projected trip through the South and a visit to the Hermitage were abandoned,‡ and Silas Wright was sent to the New York frontier to examine and report on the state of affairs along that part of the border. From Canton in St. Lawrence County, New York, Wright wrote to the President that the treatment of American prisoners taken at Prescott had aroused a warlike feeling along the border; that designing persons were playing upon it for their selfish ends; and that a rumor, which he did not believe, had gained currency that the British were executing the prisoners in secret. The district attorney, moreover, was too active. He had, by secret agents, procured testimony against many alleged to have been concerned in the raid, had arrested six men at Oswego, and had warrants for three others. This in the opinion of the friends of the administration was all wrong. Arrests should not be multiplied unnecessarily; otherwise real aggressions would be produced and political harm done. The district attorney should be instructed to stop his extraordinary measures. The President should know that a serious feud existed in the party at Oswego as a consequence of the Patriot movement. One faction was composed of Patriot sympathizers; the other ranged itself with the proclamation.# Wright now labored earnestly to heal the feud, spoke of the gravity of the questions connected with our British relations, of the

* Harvey to Scott, March 23, 1839, National Intelligencer, April 1, 1839.

† Governor Fairfield to Scott, March 25, 1839, Ibid.

‡ Van Buren to Jackson, March 28, 1839, Van Buren Manuscripts. Jackson, in his reply, April 4, 1839, offers his services in the event of war.

Silas Wright to Van Buren, March 16, 1839, Van Buren Manuscripts.

impropriety of trifling with them, and sought to show how the course of many worthy friends, if persisted in, must place them in opposition to the administration; but all to little purpose.* The defeat at Prescott and the execution of a few of the prisoners, citizens of New York, inflamed rather than quieted the border, and when news of the Aroostook war reached the people a new outbreak followed. Night after night bands of Canadian refugees and of men who were not refugees crossed the line, burned houses, barns, and haystacks, and ran off cattle. Counter raids followed, and in retaliation the farms of peaceable citizens of Vermont and New York were harried by men from Canada.† To put an end to this wanton destruction of property twenty-two citizens of New York captured at Prescott were pardoned by the Governor of Upper Canada and sent to Sacketts Harbor, with the promise that if this act of clemency should have a happy effect in quieting the prevailing excitement the release of others would follow.‡ The magistrates who received the prisoners returned the thanks of the community, the men, in an address to the public, warned all reckless persons to take heed, and border raiding ceased. But the indignation of the people at what they regarded as the failure of Van Buren to obtain redress for the *Caroline* affair and his readiness to side with Great Britain in the Patriot War was strong and found expression a little later at the polls.

These, however, were the days of popular violence and mob rule. The lynchings, the abolition riots, the expulsion of the Mormons from Missouri, the race riots, the Buckshot War in Pennsylvania, the border troubles in Maine and New York were but so many indications of the lawless spirit which prevailed from one end of our country to the other. No issue of even local concern could be settled without the use of force. It is not surprising, therefore, that a dispute over rents between the farmers on the Van Rensselaer es-

* Wright to Van Buren, March 17, 1839, Van Buren Manuscripts.

† St. Albans Messenger, March 28, 1839; Burlington Sentinel, March 29, 1839; National Intelligencer, April 3, 1839.

‡ National Intelligencer, April 24, 1839.

tate and the heirs of the old patroon bred riots and resistance to law.

Two hundred and odd years before this time, when the Dutch West India Company was attempting to found agricultural settlements in New Netherland, it offered a great tract of land and feudal rights to any member of the company who, within a given time, should locate fifty families on the domain. The first to avail himself of this offer was Kiliaen Van Rensselaer, an Amsterdam merchant, who, between 1630 and 1637, acquired a patroonship eleven hundred and fifty-two square miles in area. It lay along both banks of the Hudson, for twenty-four miles, and ran back into the country twenty-four miles to the eastward and the same distance to the westward of that river, and comprised almost all of what are now Albany and Rensselaer counties and much of Columbia.

After the British seized New Netherland in 1664, the patroon was confirmed in his possession of Rensselaerwyck by provisional orders; but in 1685 Governor Dungan granted a patent and turned the patroonship into an English manor and the patroon into the lord of the manor, and took out a strip of territory one mile along the river front at Albany and running back sixteen miles into the country. Queen Anne, in 1704, confirmed the grant, and fixed the quit rent at fifty bushels of wheat a year. During the patroonship and after it became a manor, the tenants held their farms by leases, all of which were perpetual save a few which ran for sixty years. The annual rent for every one hundred acres was from ten to fourteen bushels of wheat; but each holder of a farm of one hundred and sixty acres paid, in addition to the wheat, four fat hens and one day's labor with horse and wagon, a rent which in later times could be paid in money at the rate of two dollars in lieu of the day's labor and fifty cents in lieu of the four hens.

Another source of income to the patroon was the quarter sale. Whenever the holder of a perpetual lease sold his farm one quarter of the sum received went to the patroon. If the lease was not perpetual the seller paid the patroon one year's extra rent. Small as the annual rent

seems it was in many cases heavy, for some farms lay in the sandy belt, some were stony, and some were in the hands of indolent and thriftless men. These conditions and the recurrence of hard times were causes of arrearages of rent which Stephen Van Rensselaer allowed to remain till, on his death in January, 1839, the back rents amounted to some four hundred thousand dollars. By his will he bequeathed the eastern part of the estate to his son William, the western to his son Stephen, and required that the back rents should be applied to the payment of his debts. This meant that the old debts were at last to be collected and caused no little excitement among the tenants. Early in the spring of 1839, therefore, a mass meeting of farmers was held in the Bern township on the Helderberg Hills, and a committee appointed to visit Stephen Van Rensselaer. He refused to see the committee, heard their complaints through an agent, and finally by letter refused to sell and made no offer of a settlement. The result was widespread resentment and a general determination to resist the collection of rents as well as arrearages.

During the summer of 1839 writs of ejectment and of *fieri facias* were sued out in the Supreme Court by the executors and given to the sheriff to serve on tenants in Bern, Westerlo, and Rensselaerville, remote townships in Albany County. A few were served by the undersheriff; but while so engaged he was warned not to proceed in his work, was assured that the people were determined not to allow anybody to serve processes for the patroon, as the tenants still called Van Rensselaer, and that night the horse, wagon, and harness of the sheriff's deputy were injured.

Later in the year the sheriff sent a young man with thirteen writs. But after serving a few he too was forced to desist, and while at Bern, on his way back to Albany, was seized by a mob and compelled to return and collect the writs he had served on offenders. With these in hand he was taken to a blazing tar barrel, was forced to throw his writs into the flames, and was then suffered to go on to Albany. The sheriff with three assistants now set off for Bern to serve the processes. But at Reidsville, some six-

teen miles from Albany, he was stopped by a mob and compelled to give up the attempt. A little later the sheriff and his men went again to Reidsville and were once more sent home.

A *posse comitatus* was now summoned and early in December the sheriff with some five hundred men, on foot, on horseback, and in carriages, set out from Albany for Reidsville. At several places on the way crowds were encountered and when Reidsville was reached the road was blocked by some fifteen hundred men. The posse attempted to break through, but were forced back, and as the crowd was armed with clubs, and the posse unarmed, the sheriff withdrew his men. Application was then made to Governor Seward for troops; but the Governor instructed the sheriff to sue out attachments for contempt, and get warrants for the arrest of persons who had resisted him. This done he was ordered by Seward to summon the Albany militia to attend him as an armed *posse comitatus*.

With one hundred and twenty men thus provided the sheriff once more marched to Reidsville, where some five hundred horsemen blocked the road and as many more sought refuge from the cold in houses and sheds. No resistance was offered; but the posse for want of quarters was forced to go back to Clarksville. Thence a report and request for aid was sent to the Governor, who called out the Troy militia, hurried them with two fieldpieces to Clarksville, bade the sheriff do his utmost to make the arrests for which he had warrants and levy on and remove the property for which he had executions, and issued a proclamation to the resisters.

The proclamation, the arrival of the troops and the reinforcements, and the knowledge that more were on their way from Montgomery County overawed the mob. The sheriff was enabled to serve his writs and make his arrests undisturbed; and this done the troops returned to Albany.

Seward, in his annual message to the Legislature when it met a few weeks later, narrated these events and suggested legislation. The tenures by which the tenants held their farms were regarded, he said, as inconsistent with mod-

ern institutions. They had become odious to those who held under them, were unfavorable to agricultural improvement, and were opposed to sound policy. Petitions from the tenants were also presented, and in May of 1840, an act passed providing for the appointment of commissioners to adjust the dispute. They were met by delegates from the seven western townships on the estate and by an agent of Van Rensselaer.

The agent proposed that all arrears of rent be paid with interest from the time of the late patroon's death; that quarter sales should be released on the payment of thirty dollars down, or on the addition of two dollars a year to the rent; that payment in kind should be so commuted that the annual rent of a farm paying twenty-two bushels of wheat, four fat fowls, and one day's service with horse and wagon should be thirty dollars, or, if the quarter sale was released, thirty-two dollars; and that if a tenant wished to buy his farm outright he should pay four dollars an acre, one-fifth down and the rest in four annual installments secured by mortgage.

The tenants proposed that rent in wheat should be commuted at one dollar a bushel; that all reservations should be taken off, and that they should be allowed to buy their farms for such a sum as, at seven per cent interest, would produce the rent if paid in money. All hopes of a settlement were thus ended; the commissioners suspended their labors, and the Legislature took no action; but the agitation among the tenants went steadily on and, in time, produced new disorders and bloodshed.*

In the commercial world the summer and autumn of 1839 was a period of widespread distress and disaster. The year had opened with every sign of increasing prosperity. The resumption of specie payment in 1838 restored confidence and was followed by another outbreak of reckless speculation. Land sales, which fell to a little over three and

* An excellent account of the Anti-Rent War is "The Anti-Rent Agitation in the State of New York, 1839–46," E. P. Cheyney. See also "The Anti-Rent Disorders," D. D. Barnard, American Review, 1840; Senate Documents No. 83 (1835) and No. 67 (1840); Assembly Documents 175, 271 (1840).

a half millions of dollars in 1838, rose to seven millions during 1839. Custom receipts, which amounted to but eleven million dollars in 1837, reached twenty-three millions in 1839, and this in spite of the fact that under the compromise of 1833 a third reduction was made in the tariff in December of 1837. Hard times in Great Britain brought down the price of articles of every sort; and a heavy importation for speculative purposes followed, though a fourth reduction in the tariff was to be made in December of 1839, and though shiploads of goods were sent over consigned to British houses and sold at auction. An estimated shortage of five hundred thousand bales in the cotton crop afforded another opportunity for speculation and, aided by large advances from banks in the Southwest, the cotton planters and factors forced the price of raw cotton to sixteen cents a pound.

Against this the spinners of Manchester stood out. Some closed their mills; others ran them but four days a week. So little cotton was used that in July of 1839 nearly five hundred thousand bales of the crop of 1838 were still unsold in Liverpool. The Bank of England thereupon ceased to discount cotton bills, and the exportation of specie from our country began. Never had the need of it in London been greater. Failure of the crops in Great Britain had forced the purchase of food on the Continent. Payment for the supply had to be made in specie, and so great was the drain on the Bank of England that, by midsummer, the bullion in its vaults had shrunk to four millions sterling. The rate of discount rose to five per cent and cotton fell three farthings. Drained of specie by the immense importation of grain, the Bank turned to Amsterdam, Hamburg, and Paris and, unable to get enough, turned to the United States, and it was said, ceased to buy American stocks and beat down the price of every bale of cotton. By July every packet, every steamship that left New York carried out specie. The money market grew "tight"; stocks fell in the effort to convert them into cash; six-per-cent treasury notes would not bring par, and domestic exchanges on the South and Southwest sold with great difficulty or were not sold

at all. For Mobile the rate was twelve and a half per cent; for New Orleans five; for Natchez ten to thirty; for Nashville eight, and for Cincinnati three. Money rose to one and a half per cent a month. "Our banks," said a news writer at New York, "discount only when they have to."

By September the pressure on the money market was not only severe but "unmitigated." Banks were worrying each other with specie drafts for the settlement of balances, and property was being sold at great sacrifice in order to get money which, by the end of August, brought two per cent a month. Week after week the shipment of specie grew in volume. When the *Great Western* sailed, at the end of the third week in September, she carried out more than half a million in specie. The *British Queen*, a week later, went off with seven hundred thousand. The banks, such was the low state of their deposits and the severity of the foreign call for specie, then ceased to discount paper, refused to enlarge their circulation, and numbers of merchants suspended.

Alarmed at the prospect of being stripped of specie by the New York banks, the officers of those in Philadelphia met to consult and listened to an appeal by a representative of the Board of Trade. Unless the banks, he said, extended their accommodations all trade was at an end. If the foreign drafts were such as to make the bankers fearful of discounting largely, then they ought to suspend. A motion that it was inexpedient to suspend was carried; but the next morning, October ninth, several banks whose officers had voted against the motion refused to pay specie over their counters.

A combination of adverse circumstances, it was said, had forced them to resort to a temporary suspension. The failure of the harvest in England in 1838 had caused a demand on the Bank of England for six million pounds in specie, which went to the Continent to pay for food. The withdrawal of this great sum produced a decline in the price of cotton and other American produce, lessened our means in England of paying for the heavy importations of foreign merchandise, and began to drain the banks of specie. Two

million dollars would just as surely have gone to New York before the first of November as did one million during September.

No bank in Pennsylvania was then allowed to issue notes under five dollars. To keep small change in circulation, therefore, the banks for a few days continued to pay out silver in exchange for five-dollar bills. But when it was seen that unprincipled persons had, by this means, drawn out a hundred and fifty thousand dollars in specie and sold it to the brokers the banks stopped specie payment entirely.

As fast as the news was carried southward and westward from Philadelphia, the banks, in city after city, suspended specie payment. Most of those in the interior of Pennsylvania, in Delaware, Baltimore, Georgetown, Washington, Richmond, Portsmouth, Norfolk, Cincinnati, Louisville, and Charleston followed within a week. When this became known in Illinois the State bank stopped paying specie and sent off express riders to inform its branches. The Detroit banks were the next to suspend, and when the news from the East, passing down the Mississippi reached New Orleans, the banks in that city decided not to pay out specie "until the Northern banks shall have resumed."

Eastward of Philadelphia the banks, save some in Rhode Island, refused to suspend. The cause of this widespread suspension was now sought for diligently. One journal found it in Great Britain's loss of trade with China. The instrument of this trade had been opium; but as opium could no longer be used, specie had taken its place. A great demand for gold and silver was the result, and the balance of trade happening to be against the United States, it was used to draw bullion thence to Great Britain. The banks could not stand this forever and had thus been forced to refuse to pay specie. Others attributed the financial condition of the country to the craze for internal improvements by the States and the contraction of large debts; to the issue of State stocks to provide capital for banking; and to the high wages of laborers on the public works which had drawn so many thousands from agricultural pursuits, that in place of exports during the last two years there had been heavy im-

ports of wheat, rye, barley, oats, and potatoes, all of which were paid for in specie.

A meeting of delegates from the Philadelphia banks gave other reasons why suspension was necessary. Resumption of specie payment in August of 1838 was premature and did harm both at home and abroad. At home, men thought all danger passed and rushed into new enterprises, and the States into new improvements, relying on the enjoyment of their old facilities of credit. Abroad, merchants hastened to sell on credit and capitalists to lend on the public securities. Thus after a year of nominal resumption, the commercial debt to Europe was larger, and the debt of the States to Europe much larger, than at the time of resumption, while the specie in the country had been greatly diminished. In this condition of affairs trouble came upon England. Her crops failed. She was forced to purchase food, not from the United States, but from her neighbors who could sell it cheaper. But they were small consumers of her goods, and she was forced to pay in specie. The result was that money rose to three times its ordinary price, and heavy shipments of coin were made to Europe. Under these circumstances the banks had to adopt one of two alternatives—force the community to pay its debts to them in specie to be shipped to England, or suspend specie payments till their foreign troubles had passed away. They chose the latter course, fully convinced that the public good required it.

Among the chief sufferers by the flow of specie to Great Britain, the sale of American securities by British holders, the suspension of specie by the home banks, and the hard times were the States which had plunged so recklessly into the construction of railroads and canals.

Till the panic of 1837 swept over the country the credit of Pennsylvania was unimpaired and her bonds sold at a good premium. But the suspension of specie payments forced her to pay interest in August, 1837, February, 1838, and July, 1839, in paper money, and her bonds fell below par. Her debt was then over thirty-four millions, of which nearly thirty was secured by State stocks bearing a million

two hundred thousand dollars of annual interest. But her yearly expenses were greater by a million dollars than her income and the question was, the Governor told the Legislature, how can money be procured to pay interest on the debt, meet loans falling due, and defray the cost of government. The faith and honor of the State, he said, were pledged in the most solemn manner to the payment of interest and principal. Every consideration of duty, integrity, and fidelity bound Pennsylvania to the honest performance of her part of the bargain with the holders of her loan. It was of no consequence whether she had received paper, gold, silver, merchandise, railroad iron, or any other commodity for the loans. The obligations of the commonwealth must be paid. For that purpose, however, the revenue was not sufficient. Nothing therefore remained to be done but to resort to taxation, contract new loans, or sell the canals and railroads. To sell, save at a ruinous sacrifice, was impossible. To borrow more money, save at unwarranted rates of interest, was impossible. Taxation was the only remedy, and this the Governor asked the Legislature to apply. Two millions a year should be raised, and provision should be made at once to pay six hundred thousand dollars of interest that became due on the first day of February.

To this appeal the Legislature responded, late in January, by the passage of an act authorizing the Governor to borrow eight hundred and seventy thousand dollars, and the Governor at once applied to banks in Harrisburg and Philadelphia for six hundred thousand dollars. But when February first came the money had not been obtained, and Pennsylvania was forced to default in the payment of interest.*

When the House was informed of this state of affairs the rules were suspended and a joint resolution passed directing interest-bearing certificates to be issued in payment of the interest due.† Three days later a loan was effected from three banks,‡ and on February fourth payment of the defaulted interest began.#

* Governor Porter to the Legislature, February 1, 1840.

† The Pennsylvanian, February 3, 1840. ‡ Ibid., February 5, 1840.

Governor Porter to the Legislature, February 5, 1840.

With this the Legislature seemed content, and was about to adjourn without day, when the Governor summoned it to an extra session. No provision, he said, had been made for the payment of interest due before the Legislature would meet again.* Then the matter received attention; new taxes were levied; the money was ordered to be applied to the payment of interest and principal of the internal improvement debt; and a law was enacted providing that the interest should be paid in specie or its equivalent.

When Maryland, in the flush times of 1836, entered on her scheme of internal improvements, she authorized an issue of eight millions in bonds, and in 1837 sent commissioners abroad to put them on the foreign market. When the commissioners reached Europe, times had changed; money was scarce; American credit was impaired and they found it impossible to dispose of the bonds at the price stipulated in their instructions. Failing in this attempt the bonds were delivered to the various canal and railroad companies by whom they were hypothecated for loans at home and abroad, and sold for what they would bring.

The canal and railroad companies were responsible for the interest on their respective shares, and were to pay the money into the State treasury before the end of each interest period, that the State might be able to discharge her obligations promptly. None, however, save the Baltimore and Ohio Railroad had ever done so. The Chesapeake and Ohio Canal Company, which should have paid one hundred and twenty thousand dollars a year, had turned in but ninety-five thousand in 1839. The Susquehanna Railroad, from which seventy-five thousand and eighty-two dollars and fifty cents were due in 1839, had paid the eighty-two dollars and fifty cents, but not the seventy-five thousand. The burden of making good these defaults of interest having fallen on the State, the Governor, in his annual message, recommended that no more stock be hypothecated, that public expenses be reduced by rigid economy, that a small tax be laid on real and personal estate to raise two hundred thousand dollars a

* The Pennsylvanian, April 18, 1840.

year, and that the money be used to pay interest and principal of the debt.

Some persons expressed the opinion that the debt was not binding on the State, and others that, even if binding, it would not be paid, because the people would never consent to be taxed. To them the Governor replied that it was impossible to question the validity of the debt, and unreasonable to plead inability to discharge it without first making the attempt. Others had suggested that the Federal Government should assume the State debts. This the Governor said was beyond the control of Maryland, and the safest course was to provide for the payment of her debts. Others looked to a division of the proceeds of the public lands among the States for purposes of internal improvement. Before that day came the Governor feared the railroads and canals of Maryland would be past all assistance.

The Committee on Ways and Means accordingly took the whole matter into consideration, reported the deficit for 1840 would be nearly five hundred and sixty thousand dollars, and that the available resources of the State applicable to this deficit were bank stock and so much of her share of the surplus revenue as was still unexpended. If these were appropriated taxation need not be resorted to till 1842, when at least six hundred thousand dollars would have to be raised by taxation. A bill was therefore reported authorizing the sale of the bank stock owned by the State, and the application of the money and the surplus revenue to the payment of the interest on Maryland's debt.*

In Ohio the condition was quite as bad. The annual interest on the State debt was nearly six hundred and thirty-three thousand dollars; the net earnings of the canals were not two hundred and forty-six thousand dollars; the deficit was three hundred and eighty-seven thousand dollars, which had to be paid, it was said, by taxes on the farmers with wheat at fifty cents and corn at thirty cents a bushel.

In Indiana the work of construction was brought to a sudden stop in the autumn of 1839 by the failure of the

* Niles's Register, March 28, 1840.

Morris Canal and Banking Company to pay for the bonds purchased from the State. Seven millions had by that time been expended; yet all the State had to show for the money were twenty miles of the Madison Railroad, thirty miles of the Clear Water Canal, unfinished excavations and embankments, and half-built locks, aqueducts, culverts, and bridges scattered over a wilderness. Thousands of laborers were thrown out of employment; thousands dependent on them were reduced to dire poverty; the farmers and tradesmen were brought near to ruin by the stoppage of business and the fall of prices, and the credit of the State was impaired.

Illinois had sold some of her bonds in New York, some to the United States Bank of Pennsylvania, and some at a price below par to a London firm which disposed of half a million and then failed with the proceeds and the unsold bonds in its possession. The panic and general suspension of 1839 cut off all supply of funds at home. The debt was then fourteen millions; the annual interest over eight hundred thousand, and the revenue less than two hundred thousand. The people, as bitter against the grand scheme as they had once been enthusiastic in its behalf, cried out for a total abandonment of internal improvements, and the Governor in desperation called a special session of the Legislature in December, 1839, and the system of internal improvement as far as possible was abolished. All engineers and agents whose services were not absolutely indispensable were discharged; the old board of seven commissioners was swept out of existence, and the three new commissioners were commanded to adjust all liabilities and give drafts on the Fund Commission for all debts due contractors. When this was done the contracts were to be considered as canceled. Out of three hundred miles of railroad, said a writer of the time, some twenty are completed. The rest is in every stage between commencement and completion, embankments half formed, bridges half built, and an immense quantity of timber lying on the ground. The first is left to wash away; the second to tumble down and decay; and the last to rot in utter uselessness unless some kind persons will take it for

firewood or fences.* The condition of Illinois, said another, is truly deplorable. After an investment of ten millions of dollars for public works, scarcely a mile of her canals and railroads have been so far completed as to yield an income to the State.†

Michigan having authorized the issue of five millions of bonds the Morris Canal and Banking Company was employed to negotiate the loan. One million three hundred thousand dollars of the bonds were delivered for which two hundred and fifty thousand were to be paid in cash and the rest on demand. But a few months later the entire issue was delivered to the Morris Canal and Banking Company, and to the United States Bank of Pennsylvania. In 1839 these institutions suspended and the bonds were found to have been hypothecated, though some had not been paid for at all; others only in part, and but a few entirely. The Governor thereupon informed the Legislature that the system of internal improvements was beyond the means of Michigan, and that every consideration of prudence forbade its further prosecution, and all laws relating to it should be at once repealed.‡

In this state of affairs the Whig press in many parts of the country began to agitate for the assumption of the State debts by Congress. Disarrangement of the money market, said one journal, has created distrust of the ability of States to pay and bonds are down. Would it not be well for Congress to set aside public lands for redemption?# A circular on the subject by Baring Brothers was published in a score of journals. After stating that the United States Bank had secured a loan of eight hundred thousand pounds in State stocks at a price which gave ten per cent a year to the subscribers, the Barings discussed the standing of American stocks. If the whole scheme of internal improvements in the Union was to be carried out by means of foreign capital a better guarantee than that of any single State would be

* St. Louis Argus, Niles's Register, February 22, 1840, p. 403.

† Niles's Register, Vol. LXI, p. 247.

‡ Niles's Register, February 8, 1840, p. 378.

National Intelligencer, October 28, 1839.

required in order to raise so large an amount of money in a short time. A national pledge would undoubtedly collect capital from all parts of Europe; but the forced sales of loans made separately through many channels by individual States in reckless competition rendered the terms more and more onerous. The States, therefore, should either pause in their works of improvement or adopt some general scheme of combination.*

Now what is to be done? said a Whig journal, in commenting on the circular.† Shall the credit of all the States which have embarked in internal improvements be suffered to go by the board and their half-finished works be left to fall into ruin? It is quite clear that with the works yielding no revenue the States cannot pay the interest. But, it will be said, the United States has no constitutional right to assume the payment. Not according to the letter of the Constitution. But let Congress divide the proceeds of public lands among the States on condition that the money is used by them to pay their debts. Let it issue four-and-a-half per cent stock in exchange for State stocks and apply the land sales to its redemption. About two hundred millions of State stocks have been issued, and at five-and-a-half per cent carry some eleven million of interest annually. United States stock at four-and-a-half per cent could be exchanged at twenty-five per cent premium for State stocks, thereby saving fifty millions and reducing the interest to six millions.‡ Let the United States, said another, create three hundred millions of stock at four per cent, apportion it among the States on the principle of Clay's land bill, and pledge the proceeds of the land sales for its redemption.#

That the people would not consent to be saddled with a new national debt of three hundred millions was certain. That Congress might pass a bill setting apart the land revenue, or distributing it among the States to pay their debts was quite likely. That the Whigs in the campaign already

* Niles's Register, November 16, 1839, p. 177.

† Commercial Advertiser, November 22, 1839.

‡ New York American, November 20, 1839.

New York Courier and Enquirer.

at hand would demand such a law, if it seemed popular, admitted of no doubt. Benton therefore determined to defeat the scheme by securing its condemnation by the Senate, where the Democrats had a good majority and, in December, 1839, offered six resolutions against assumption.

The introduction of these resolutions and, indeed, the work of the session were delayed till the closing days of the year because of the contest in the House over the seats of five members from New Jersey. The House was composed of two hundred and forty-two members from twenty-six States; but failure to elect a member in the sixth district of Massachusetts reduced the number to two hundred and fifty-one. Subtracting the six contested seats, the one from Philadelphia and the five from New Jersey, the strength of the two parties was, Democrats one hundred and twenty-two, Whigs one hundred and thirteen. That there would be a bitter contest over the New Jersey seats was certain. On the opening day of the session, therefore, every member elect of the House was in his seat, save one Whig from New York. The absence of this member made the voting strength of the parties, Democrats one hundred and twenty-two, Whigs one hundred and twelve; but in all subsequent proceedings, R. M. T. Hunter, of Virginia, voted with the Whigs. Thus at the opening of the struggle the parties stood, Democrats one hundred and twenty-one, Whigs one hundred and thirteen.

At noon on December second Hugh A. Garland, clerk of the last House of Representatives, following the usual custom, rose and announced that, if agreeable to those present, he would read the roll of the members elect of the House of Representatives of the twenty-sixth Congress. No objection having been made he began with Maine and proceeded in geographical order till he reached New Jersey, when he called the name of Joseph F. Randolph and stopped. There were, he said, five seats belonging to representatives of New Jersey that were contested. To decide who were entitled to the five seats was no part of his duty. He would, therefore, with the permission of those present, pass over the remaining names of the gentlemen from New Jersey and

finish the roll call. This done he would present such evidence touching the rights of the claimants as was in his possession. Many voices cried, "Agreed, agreed!" But a member of the New Jersey delegation at once protested against such treatment, and denied the right of the clerk to question his certificate. The law of the sovereign State of New Jersey, he said, required the Governor and Council to decide which candidates in a State election had received the greatest numbers of votes, and give such persons commissions under the great seal of the State. This had been done, and he and his colleagues had presented to the clerk certificates of election signed by the Governor and bearing the great seal of the State. What evidence had the claimants presented? They had delivered to the clerk certificates signed by the Secretary of State and bearing the seal of his office. But the Secretary of State had no legal right to issue such certificates.*

As a Rhode Island member pointed out, the clerk had called the name of Mr. Randolph, who had presented exactly the same sort of commission as the five other representatives whose names the clerk refused to call. Mr. Randolph had a certificate signed by the Governor and bearing the great seal of the State. If this paper was good evidence in the case of one man, why was it not good in the case of the five men? While the right of the clerk to act as he had was still under debate, dusk came on, and by general consent an adjournment was taken till the morrow. No vote was put, for the opinion was that the roll having been but partially called, a legal House did not exist.

The second day of the struggle opened with an appeal by the clerk to the members elect. "Before God and my

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* Sec. V.—The Governor, or person administering the Government, shall, within five days after receiving the list, lay the same before a privy council to be by him summoned for that purpose, and after casting up the whole number of votes from the several counties, for each candidate, the said Governor and privy council shall determine the six persons who have the greatest number of votes from the whole State for representatives in Congress from this State, which six persons the Governor shall forthwith commission, under the great seal of the State, to represent the State in the House of Representatives of the United States.

country," said he, "I have but one object in view, and that is to do my duty in this case." Never before had a clerk been placed in such a situation. All former claims, save one, to seats had been presented on petition to the House itself: the clerk had nothing to do with them. In the one instance, where the members elect had been called on to act before the regular organization of the House, both claimants, by common consent, retired, and relieved the members of great embarrassment. In this case evidence in favor of the conflicting claimants had been brought to the clerk, had been presented at his office, had been forced on him. What was he to do? What could he do but take the matter with all the difficult questions connected with it to the House, and ask that he be permitted to state the reasons for his action so far.

Member after member refused to allow him to make a statement, while others insisted that leave be given. At last Cushing moved that the clerk read his statement. It was thereupon pointed out that if a vote were taken both sets of New Jersey claimants would vote, and that it would be monstrous to allow five more votes than there were members of Congress. The debate on this question of allowing the clerk to read his explanation was still under way when darkness brought the session to a close.

The third day opened with a resolution presented by Wise, that the acting clerk should call the names of gentlemen whose rights to seats were not disputed; that when the call was finished and before a Speaker was elected or a permanent organization effected, the rights of the contestants from New Jersey to seats in the House should be settled. Hunt of New York followed with a resolution that a temporary Speaker be chosen, that the gentlemen from New Jersey holding certificates bearing the broad seal of the State be allowed to vote; that the committee on election be chosen by ballot, and that, when the question of the disputed seats was settled, a Speaker for the twenty-sixth Congress be chosen. A Kentucky member proposed that the clerk call the roll in the usual way and put on it the names of such members from New Jersey as presented the broad seal certificates. But the third day closed with nothing done.

On the fourth day, while the members were debating in the same hopeless way, John Quincy Adams took the floor. He reviewed the situation; he declared that the refusal of the clerk to go on with the roll call and his determination not to put any question save that of adjournment had brought matters to such a pass that the members might stay till doomsday and not be able to organize a House, and offered the resolution presented by a member from Kentucky, a resolution the clerk had refused to put to vote. "How shall the question be put? Who will put the question?" asked a dozen voices. "I intend to put the question myself," said Adams. An attempt to force the clerk to put it, or to compel him to say that he would or would not put it, caused wild confusion and disorder, in the midst of which Rhett, of South Carolina, offered a resolution that John Quincy Adams be appointed chairman to serve until the House was organized by the election of a Speaker, put the question, and declared it carried. Adams was then escorted to the chair; the rules of the last House were adopted, and a motion offered that the clerk be ordered to go on with the roll call, in the usual way, "calling the name of such members from New Jersey as hold the regular and legal commissions from the executive of that State."

At this stage the session of the fourth day ended. On the fifth Rhett moved to lay the pending motion on the table in order to take up that offered by himself. On this the yeas and nays were ordered, and when Dromgoole of Virginia was appointed one of the tellers, he asked Adams who of the ten New Jersey claimants were to be allowed to pass between the tellers. "Those," said Adams, "who have commissions in accordance with the law of New Jersey." Dromgoole said he did not know who had such papers. "Those," said Adams, "whom the clerk has named as having papers, in the same words as that of Mr. Randolph, whom the clerk has recognized." A member from New York denounced this as "a gross act of usurpation" and took an appeal. The debate which followed occupied all of the fifth, sixth, and seventh days of the session. The question was then decided in the negative; from which it followed

that those holding the Governor's certificates could not vote on the pending question. Adams thereupon announced that the meeting must decide who should be called as members from New Jersey, and refused to put the question to lay the motion of Wise on the table till this question was decided. "The State of New Jersey," said he, "cannot be deprived of a representation on this floor, and it shall not be, so long as I stand in this chair." Great confusion and excitement followed. Half the members were on their feet, some shouting, "Order, order!" others, "Go on, go on!" as member after member attempted to offer a motion, or take an appeal. Finally a motion was made, put, and carried that on the motion of Rhett to table the motion of Wise the tellers should count all who passed between them, and if any passed whose right to vote had been disputed their names should be reported to the chair for the decision of the House. The call for the previous question was then put and seconded, and on the main question the tellers announced the vote to be, yeas one hundred and fifteen, nays one hundred and fourteen, and that Naylor of Pennsylvania had voted.

Adams then voted in the negative, announced a tie, and declared the motion lost. From this an appeal was taken on the ground that the seat of Naylor was in dispute, and that his right to vote should be determined before the result was announced. While the discussion of this issue was under way an adjournment was carried and the eighth day ended.

On the ninth day debate on the appeal from the decision of the chair declaring the vote a tie was resumed. The previous question was moved, the main question put, and the result stated to be one hundred and twelve votes in the affirmative, counting Naylor and the five New Jersey Whig claimants with the broad-seal certificates, and one hundred and eighteen votes in the negative, counting Ingersoll, the contestant with Naylor, and three Democrats from New Jersey with certificates from the Secretary of State. These facts were stated by Adams without announcing the result. As there were more members voting from New Jersey and Pennsylvania than the Constitution and the law allowed, the meeting, Adams held, must decide on the right of the dis-

puted members to vote, by name. After another scene of noise, disorder, and confusion, it was decided that Naylor be allowed to vote. This decision gave the Whigs one hundred and fourteen votes.

This having been settled, the right of Mr. Aycrigg, a New Jersey Whig holding a broad-seal certificate, was next taken up. The yeas, counting four of the New Jersey Whigs, were one hundred and seventeen. The nays, counting three New Jersey Democrats, were one hundred and twenty-two. When announcing the result, Adams, amidst jeers and shouts of laughter, remarked that he considered the decision utterly unconstitutional. It deprived a sovereign State of its right to say through its constituted authorities who should be its representatives. In the same way each of the other Whig claimants was denied a vote. Ingersoll was next deprived of his vote, as were the five New Jersey claimants holding certificates from the Secretary of State.

The long-pending motion of Wise was now brought to a vote and decided in the negative, a resolution offered by Rhett was carried, and on the morning of the next, the tenth day, the roll call was completed.

The resolution under which the call was completed provided that after the names of members whose seats were not disputed had been called, and before a Speaker was elected, all contested election cases should be settled, that between Ingersoll and Naylor alone excepted. The first provision having been carried into effect, it was moved, in order to put the second provision in operation, that a select committee of nine be appointed, *viva voce*, to report on the contests for seats from the State of New Jersey. This was adopted; but was unanimously rescinded the next day, and a motion offered that the credentials of the five men holding broad-seal certificates were sufficient to entitle them to seats in the House, leaving the question of contested election to be settled by the House. The vote was a tie; so it was decided that they should not have seats as representatives from New Jersey.

A motion was at once made to proceed to the election of a Speaker and carried. Balloting, however, did not begin

till the following day, when eleven ballots were taken before the Whigs rewarded R. M. T. Hunter for his support of their cause, by joining the State Rights men and electing him Speaker. On the next day the oath of office was administered to all the members save those from New Jersey, and when this had been done the six Whigs from New Jersey took their stand before the clerk's table and demanded to be sworn. The Speaker refused to do so, and referred the matter to the House, and Wise moved that they be not sworn. More wrangling followed before the motion was withdrawn and another, that the Speaker proceed to swear the claimants, was voted down.

After waiting nearly three weeks without hearing from either set of claimants, the chairman of the Committee on Elections took action. He reminded the House that it was usual in contested election cases for the contestants to bring their case before the House by petition or memorial. Neither of the parties claiming to be representatives from New Jersey had done so. He moved, therefore, that all papers and testimony in the possession of or within control of the House in relation to the election of representatives in New Jersey be sent to the Committee of Elections with instructions to report who were entitled to the five contested seats. To this, after much debate, the House agreed, and early in March the committee reported that the five Democrats holding certificates from the Secretary of State were those who had received the greatest number of lawful votes. This conclusion was reached by counting the votes in the townships of Millville and South Amboy.* The House thereupon declared these men entitled to seats and bade the Speaker qualify them whenever they attended.†

This action gave the Democrats one hundred and twenty-six members on the floor of the House. The absent New York Whig returned late in December; another Whig was sent from the Massachusetts District in January, and the Whig vote on the floor of the House, which had been re-

* Congressional Globe, 26th Congress, 1st Session, March 5, 1840, pp. 241–242.
† Ibid., March 10, 1840, p. 257.

duced to one hundred and thirteen by the election of Hunter to the Speakership, became one hundred and fifteen.

But the struggle was not yet ended. The minority of the Committee of Elections at once published an address to the people calling attention to an accompanying document. It was entitled, "The suppressed report of the minority of the Committee on Elections in the New Jersey case; presented to the House of Representatives on the 10th of March, 1840, and, contrary to all precedent, excluded from the House (its reception and reading being refused, with the previous question pending and all debate cut off), by a party vote in the negative." To this the majority, as individuals, replied in an address to the people, defending themselves against these charges of the minority and upholding their report. In July, new testimony having been received, the majority made a further report and again declared the five New Jersey Democrats duly elected. The report was adopted, and with this the long controversy ended.

The struggle over the New Jersey seats so delayed the organization of the House that it was not till the twenty-fourth of December that the President's message was read. As the time for the writing of the message drew near, his thoughts turned naturally to his favorite idea of a sub-treasury, and he wrote to Silas Wright for advice.* Hitherto, he said, he had dealt with the plan as a fiscal matter. In the coming message he proposed to take higher ground. He would show the utility and necessity of such a measure as a restraint on overbanking and overtrading, would urge Congress to adopt the specie circular, or at least require frequent settlements with the banks; would point out the danger to the Federal system from making so tempting and disturbing a subject as the use of the people's money a part of the legislation of Congress, and, finally, he would dwell upon the evils attendant on the use of the public money by individuals or corporations; how it deprived the government of any assurance that it could have its money when needed,

* Van Buren to Silas Wright, September 23, 1839. Van Buren Manuscripts, Library of Congress.

and led corporations to take a hand in legislation and maintain their champions in Congress. Ere Congress met, however, Van Buren found a far more powerful argument in the second suspension of specie payment by many of the banks.

No sooner had the House listened to the reading of the message than Wise rose and asked for a suspension of the rules that he might introduce a resolution which proved to be a new gag. Consent was refused, whereupon the pro-slavery men sought to make the gag a rule of the House, and moved to amend rules 54 and 55 by the addition of Patton's resolution adopted by the Twenty-fourth Congress. This was tabled to make way for the resolution offered by Wise, to which Adams moved a substitute to be added to the standing rules of the House and numbered twenty-one. The issue was now fairly joined. The pro-slavery amendment to the rules provided that when any anti-slavery paper was presented the reception of it should be considered as objected to, and the question of its reception should be laid on the table without debate or further action. Rule twenty-one, as offered by Adams, provided that every petition should be received unless objected to; that the reason for the objection should be entered on the journal; that the question should be, Shall the petition be rejected? and that none should be rejected but by a majority of the members present.

A violent and bitterly partisan debate now followed, till a member from Maryland moved to strike out all of Adams's resolution after the word resolved, and put in words of a very different purport, and moved the previous question. The House seconded the motion, the main question was decided in the affirmative, and as quickly as parliamentary proceedings would permit, the amendment was made number twenty-one of the standing rules of the House.*

While the House was wrangling over the disposition to be made of anti-slavery petitions, the Senate had taken up

* "That no petition, memorial, resolution or other paper praying the abolition of slavery in the District of Columbia, or any State or Territory, or the slave trade between the States and Territories of the United States in which it now exists, shall be received by this House, or entertained in any way whatever."

the anti-assumption resolutions of Benton. The substance of them was that to assume the debts of the States would be unconstitutional, unjust, unwise, impolitic, and dangerous; that the greater part of the State stocks were held by foreigners and had been purchased far below par; that an attempt to obtain the assumption of them by the United States would greatly enhance their value to the profit of foreign speculators and capitalists, and bring all the influence of foreign moneyed power to bear on public opinion, State elections, and State and Federal legislation. To prevent this it was necessary to cut off all hope of assumption, and to cut off this hope at once the Senate should declare its firm opposition to the proposal contained in the circular of Baring Brothers.*

After a long speech by Benton in support of his resolutions they were sent to a select committee, together with another resolution offered by Grundy, which declared that an assumption by the General Government of the debts of the States, either directly or indirectly, by a distribution of public money among the States, would be impolitic, unjust, dangerous, unequal, and unconstitutional.†

The committee acted promptly, and before the month ended presented a report which was well described as a lecture to the sovereign States of the Union. It announced the State debts to be two hundred millions; it spoke of extravagant burdens laid on the people by prodigal legislatures, of members of legislatures who would rather see the credit of their States decline than tax their constituents to maintain it; argued that the sound States should not be called on to pay the debts of those who by gambling and reckless speculation had fallen into bankruptcy, and cited Louisiana as a signal example of this folly.

The denunciation of the States was received with astonishment. What clause of the Constitution, it was asked by the Whigs, authorizes Congress to pry into the local affairs of the States, and the proceedings of State legislatures

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* Congressional Globe, 26th Congress, 1st Session, Appendix pp. 85–93.

† Ibid., p. 105.

when acting within their proper spheres? Had any State asked to have its debts assumed? What State had squandered its means, and if there were such a one, what right had the Senate to proclaim its bankruptcy and refuse it aid before aid was asked? How did the committee find out the amount of indebtedness of the States, and what one "had run into debt to construct an unprofitable road," and which to establish an insolvent bank?

The Democrats answered that assumption would soon be demanded; that it was a Whig measure, and cited Whig journals to prove the charge. They declared that it was a British mandate, and cited the circular of the Barings as evidence; and they charged that it was another scheme to secure a distribution of the land revenue among the States on the plea of relieving the distress of such as had fallen into debt.

The report having been ordered to be printed, the resolutions accompanying it came up for adoption. They were four in number, and were, in substance, that assumption, direct or indirect, would be unjust to the States and to the people; that it would be highly inexpedient and dangerous to the Union of the States; that it was unauthorized by the Constitution and repugnant to the purposes for which the Union was formed; and that to set aside public lands, or the revenue arising from them, would be unjust, inexpedient, and unconstitutional.

The Whigs met these with two resolutions, which set forth that the debts of the States had been contracted by the exercise of a constitutional right, that there was no ground to doubt the ability and intention of the States to pay; that it was just and proper to distribute the proceeds of the public lands among the States, and that the condition of those having large debts made such a distribution expedient and necessary. This was defeated by a strict party vote; but when the yeas and nays were called on the first, second, and third resolutions of the committee, the great Whig leaders and their followers did not answer, and the resolutions were agreed to with but three nay votes. The fourth was elaborated, and a fifth was added, declaring that

the resolutions were not intended to create doubt as to the right of the States to contract debts nor of their disposition to pay.

The Whigs having been deprived of this piece of campaign material, the Senate gave its attention to the sub-treasury bill. Van Buren had asked for it in the annual message, and if it was to be passed it must be passed quickly before the five vacancies in the Senate were filled,* before any more instructions against it came from Whig legislatures, and while the House was still in the hands of the Democratic party. On the fourteenth of January accordingly, Wright reported the bill from the Committee of Ways and Means and explained wherein it differed from that of the previous session. On the seventeenth it was ordered to be engrossed for a third reading, and on the twenty-third was passed by a vote of twenty-four to eighteen.

It had, as Benton pointed out, two great features—the exclusive use of gold and silver coin by the Federal Government and the exclusive keeping by the Government of its own revenue by its own officers. All the rest was detail. The exclusive use of gold and silver was to be reached gradually. One-quarter of all dues was to be paid in coin after June thirtieth, 1840; one-half after June thirtieth, 1841; three-quarters after June thirtieth, 1842, and all after the last day of June, 1843. Every officer in the United States who received money for the Government was made a depository; but at certain points where large sums of public money were received or disbursed, or both, the security of the revenue and the convenience of the public required that there should be depositories independent of the collecting officers. These points were Boston, New York, Philadelphia, Washington, St. Louis, and New Orleans, and at these points, as in the old bill, sub-treasuries were established. The evils from which the country suffers, said the administration Senators, are due to the pernicious influence of bank paper. For these the bill supplies a corrective. It will

* New York, Pennsylvania, Delaware, Virginia, and Arkansas had but one Senator each.

check the importation of foreign goods for speculative purposes; suppress the credit system, restore a specie currency, reduce the wages of the laborer to a specie basis, and advance the value of property.

Clay denied these statements. Never had he known a period of such universal and intense distress. The general Government was in debt; the revenue did not suffice to pay current expenses; the States were in debt, and some had been forced to contract loans in order to pay interest on their bonds; property was falling in value, great staples were declining in price; banks were curtailing their circulation, and about one-half of them, from New Jersey to the extreme Southwest, had suspended specie payment. No currency of uniform value existed, and what did exist varied in value from par to fifty per cent discount. The causes of this state of affairs, Clay said, were the refusal to recharter the United States Bank, removal of the deposits, the multiplication of banks in consequence, the stimulus to extend their circulation given by the Treasury, the bungling manner in which the surplus had been distributed, the specie circular, and the veto of the bill distributing the proceeds of public lands. What was needed to restore prosperity was a sound currency, good government, and the abandonment of rash experiments. And what did the Administration offer? A sub-treasury, an independent treasury, a divorce of bank and state bill. And what did the bill provide? It provided for exacting from the people specie in the payment of dues, and a distribution of specie by the Government in the payment of salaries and Government creditors. The twenty-third section, with all its bars and bolts, safes and vaults, receivers general and examiners, had nothing else in view than the exaction from the people of specie, and the distribution of specie among Government officials. It did not touch, nor pretend to touch, the currency. It left the banks where it found them, and provided one kind of money for the Government and another for the people.

Discussion began in the House in committee of the whole on May twentieth and ended at midnight on June twenty-ninth, and consumed, it was pointed out, one hundred

and fifty-seven hours.* When the vote on its passage was taken, one hundred and twenty-four Democrats answered yea, and one hundred and seven Whigs nay. Eleven members did not vote.

The Whigs were deeply chagrined, and thenceforth no Whig procession was complete without several banners bearing inscriptions expressive of their indignation. The delight of the Democrats knew no bounds. The passage of the Independent Treasury Bill, said the *Globe*,† will form an era in the history of our country. It should call forth the earnest and lasting congratulation of every sincere Republican. It lays the ax at the root of that complicated system of measures by which Hamilton and his party sought to destroy the spirit while keeping the forms of the Constitution. This Bill of Rights which has just been adopted levels a fatal blow at that policy against which Jefferson, Madison, and the fathers of the Republican church protested so eloquently. It was, in fact, a second Declaration of Independence, an emancipation from a thraldom more corrupting and degrading than the foreign yoke which was thrown off on the fourth of July, 1776. It is now nearly three years since the defeat of the measure was celebrated by the opposition with sacrilegious rejoicings. Desecrating the solemn ceremonies of the dead, they paraded at midnight with a coffin inscribed Sub-Treasury, and after insulting the high functionaries of the Government with groans, mock music, and cannon, tossed it contemptuously into the canal. This was the funeral of the sub-treasury. But we have just seen its glorious resurrection. Republicans! celebrate everywhere your triumph, but celebrate it with dignity and decorum like men. The bill, we hope, will become a law on the fourth of July, 1840, for the Government, for the first time since it was established, is rescued from the dominion of bank power. Freemen, rejoice! Laborers, clap your hard hands at this triumph of Democratic principles over the fraud, tyranny, and dominion of associated bank privilege.‡

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* Congressional Globe, 26th Congress, 1st Session, p. 493.

† The Globe, July 1, 1840. ‡ The Globe, July 3, 1840.

To Van Buren, as to his party, the bill seemed a new Declaration of Independence, and with an ostentation he rarely showed he announced that it should be signed at noon on the fourth of July. At that hour, therefore, in several places the signing was celebrated by the discharge of cannon and other manifestations of delight.*

The Independent Treasury Bill, said the Whigs, has passed. But how did it pass? The total number of Democrats in the House is one hundred and twenty-six. One was absent; another who had been instructed did not vote, so the bill was passed by one hundred and twenty-four yeas to one hundred and fifteen Whig nays. Suppose the absent member had been present, and subtract the five seats stolen from New Jersey and give them to the Whigs to whom they belong, and the vote would have been one hundred and twenty yeas to one hundred and twenty nays. The casting vote of the Speaker would then have defeated the bill. But it will all be made right after March fourth, 1841.

Another bill Van Buren signed on the fourth of July gave him equal pleasure. By it the Secretary of the Treasury was instructed to pay to the heirs of Matthew Lyon the sum of one thousand and sixty-two dollars and fifty cents, with interest from the ninth of February, 1799, to the day the act passed. The thousand and odd dollars was a fine imposed on Lyon when convicted under the famous Sedition Act of 1798. That it should be refunded was eminently just. Indeed, petitions from Lyon or his heirs had six times been the subject of committee reports in the Senate or House since 1820. Each time the report recommended the return

* At a fourth of July celebration near Alexandria, Virginia, Benton proposed the toast: "The Fourth of July, 1776, and the Fourth of July, 1840. The former gave us a Declaration of Independence from European government; the latter gives us an Act of Independence from the government of moneyed corporations." Amos Kendall followed with this toast: "The Declaration of Independence on the Fourth of July, 1776, and the act to establish an independent Treasury approved July fourth, 1840. The former delivered the American people from the power of the British throne; the latter delivered them from the power of British banks."

At Philadelphia, when the State House clock struck twelve, an orator, addressing a crowd in Independence Square, stopped and called for three cheers for the independent Treasury law.

of the money, and four times bills for that purpose were reported. That all these should have failed while that of 1840 succeeded was due, not to the merits of the case, but to the exigencies of the campaign. The Democrats were charging the Whigs with Federalism, and to show their hatred of Federalism, and, if possible, force the Whigs to go on record, a bill to atone most liberally for a piece of injustice done in the days of the black cockade was brought in and forced to a vote. One hundred and twenty-four Democrats voted yeas. The Whigs were in a dilemma. Support a Democratic party measure they would not; vote as a party against such a bill they dared not. One hundred of them, therefore, failed to answer to their names.

Van Buren was greatly pleased, and in declining an invitation to attend a Democratic rally in Kentucky, late in July, called attention to the act. It was the Kentucky resolutions, backed by those of her parent State, he said, which changed the current of public opinion and brought back the administration of government to the principles of the Revolution. Nothing could more effectually prove the purity of these principles than the progress they had since made in the minds of men. They had entered into the creed of every political sect, and the people, almost with one voice, had recently recognized and consecrated them by an act as impressive and emphatic as it was possible for a nation to perform. Since receiving the invitation it had been his agreeable duty to confirm the fiat of the nation, settling forever the unconstitutionality of the sedition laws of 1798, by approving an act for the relief of the heirs of Matthew Lyon. Party prejudice, judicial authority, dread of the precedent, respect for that which had assumed the form of law for forty years had successfully resisted this act of justice. But at length all had been swept away by the irresistible current of public opinion, and the Sedition Act had been irrevocably decided to be unconstitutional by a tribunal higher than courts of justice—the sovereign people of the United States.

CHAPTER LXIX.

THE LOG-CABIN, HARD-CIDER CAMPAIGN.

The most remarkable and exciting campaign our countrymen had yet witnessed was by this time drawing to a close. The difficulty which troubled the Whigs at the outset was that of uniting the many factions, old and new, which divided their ranks and those of the Democrats. There were anti-renters, anti-slaverymen, and Abolitionists; there were the friends of Harrison, the friends of Webster, the friends of Clay; there were the Conservatives in New York bitterly opposed to Van Buren; the men in Maine who denounced the Government for its failure to settle the boundary question, and voters everywhere who attributed the hard times to the refusal of the Government to come to their aid. All along the border from Vermont to Michigan were thousands of voters who looked on Van Buren as a British tool because he had suffered the burning of the *Caroline* to pass unavenged, and had sent troops to prevent the patriot invasion of Canada. Could all these factions be united under one chief a Whig victory was certain. But how could they be united, and under what chief?

As early as July of 1837 the Ohio State Convention of Whigs suggested that delegates from all the States should meet at Pittsburg on the second Monday in June, 1838, and select candidates to be supported for the presidency and vice-presidency in 1840. The delegates from each State were to be equal in number to its Senators, and Representatives, were to be chosen in such manner as the people saw fit, and no nomination was to be made unless by a majority of all the States represented by at least one delegate. Ohio

Whigs preferred Harrison, but would support the choice of the Convention.*

No attention was paid to this call, and nothing more was heard of a national Whig Convention till March of 1838, when the friends of Harrison in Pennsylvania met and appointed a central committee to further his interests. But the State Convention at Harrisburg which nominated Harrison in December, 1835, had also appointed a central committee. These two bodies now united, formed the Democratic Republican Central Committee of Pennsylvania, and in April called for a national convention to meet at Pittsburg on July fourth, not to nominate Harrison, for the committee considered him as already nominated, but to aid his election.†

Great opposition at once appeared in Ohio. "This movement," said one Whig journal, "is premature, shortsighted, and suicidal. To express approbation of Harrison, to use all means to secure his nomination by a national convention was fair; but let there be no partial convention to effect an organization of the friends of any one man. Let one and all, Harrison-Whigs, Clay-Whigs, Webster-Whigs, cling to a national convention as the sheet anchor of Whig hopes and follow the banner there raised. In the present state of affairs for any portion of the Whig party to nail its banner to the mast of one man and declare its determination to vote for him, is to say it loves men better than principles."

Aroused by this show of Harrison sentiment, the friends of Clay in Philadelphia met, declared their preference for him and urged the Whig members of Congress to call a national convention and fix the time and place.‡ Thus prompted they did so, and suggested Harrisburg as the place, and the first Wednesday in December, 1839, as the day, for the meeting of the convention, and that each delegation be equal to the representation of its State in both houses of Congress. Efforts were thenceforth made in all parts of the

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* Niles's Register, July 27, 1837, Vol. LII, p. 329.

† National Intelligencer, April 20, 1838.

‡ National Intelligencer, May 10, 1838.

country to prevent expression of preferences for any man and so unite those who for any reason hated the administration. A Boston journal insisted that the question of choosing a candidate should be left with the convention. Young men assembled at Utica declared that the time had not come when it was proper for a public assemblage to express any preference for a candidate for the office of Chief Magistrate. The people were calmly and deliberately discussing that question.* A Richmond journal urged Whigs to attend to the coming Congressional elections and leave other issues alone.† A Kentucky journal insisted that no man, no State, should say there was but one man on whom the great Whig party could be brought to unite. He who was unwilling to give a Whig vote unless for a particular person was no Whig, but a man-worshiper. Let the assembled patriotism of the country in 1839 settle the question of Van Buren's successor. When the Philadelphia Whigs met to rejoice over the Whig victory and the election of Seward in New York, they approved of the national convention and appealed to Whig brothers everywhere to leave the choice of a candidate to the delegates.‡

In November, the Democratic Anti-Masonic national convention met in Philadelphia and, on motion of Thaddeus Stevens, unanimously nominated Harrison and Webster.# The body was in no sense national and was attended by few delegates from States other than Pennsylvania. Harrison, nevertheless, accepted the nomination, and in his letter laid down what he considered true Whig principles.‖ The President, he believed, should have but one term, and no control over the treasury, should exert no influence on elections, should suffer no Federal officeholder to take part in elections, should never use his high office for purely partisan purposes, should always give reasons for removals from office, and should limit the veto to such bills as were unconstitutional, or infringed the rights of the States, or, when

* National Intelligencer, July 20, 1838.
† Ibid., July 13, 1838.
‡ National Intelligencer, December 3, 1838.
# Public Ledger, November 15, 1838.
‖ National Intelligencer, February 14, 1839.

great interests were involved, required more deliberation or a reference to the people.

As the winter drew to a close Whigs in many of the State legislatures felt called on to express their preferences, and thenceforth little heed was paid to the plea for uninstructed delegates. A convention of Whig members of the Massachusetts legislature and delegates from towns having no Whig representatives in the General Court named Webster as its choice, but pledged the Whigs to abide by the decision of the national convention.* Members of both branches of the legislature of Louisiana declared for Clay, but, having appointed delegates to the national convention, bade them unite in support of any other man who received the votes of a majority of the convention.† In Connecticut, before the legislature ended its session, the Whig members named Clay as their first choice; but, as principles were more than man, and country more than party, they would cheerfully support the candidate of the party.‡ The Whig State convention of Pennsylvania having adopted a resolution declaring Clay the preferred candidate, an attempt was made to strike out his name and insert that of Harrison, and when it failed the Harrison men presented a written protest and left the hall.# The friends of Harrison in the State legislature thereupon called for a State convention of the anti-Van Buren party to be held at Harrisburg in September. New Jersey Whigs were for "principles, not men," and made no recommendation. Neither did the conventions in Vermont, New Hampshire, or Rhode Island. Convinced that he did not have the smallest chance of a nomination by the party, Webster, who had gone abroad, now addressed a letter to the people of Massachusetts || and withdrew his name, to the great delight of the followers of Harrison and Clay.

The anti-Van Buren union and harmony convention, as it was commonly called, when it met at Harrisburg in Sep-

* National Intelligencer, March 4, 1839.

† National Intelligencer, March 30, 1839. ‡ Ibid., June 14, 1839.

Held June 14, 1839, National Intelligencer, June 22, 1839.

|| National Intelligencer, July 6, 1839.

tember, chose delegates to the national convention, adopted resolutions, bade a committee write an address, and declared that no one save Harrison could unite the anti-Van Buren party and rescue the country from misrule. The reasons for this statement were fully given in the address. "There are in the party of opposition," it was said, "many branches: Abolitionists, anti-Masons, Democrats, Whigs, and men who, prompted by gratitude for arduous military services, supported Andrew Jackson. Can Mr. Clay unite these? He cannot. The position taken by him in a recent speech in the Senate must of necessity drive from him all Abolitionists. A like difficulty existed with the anti-Masons. Not only have they persistently refused to support Mr. Clay, but they have gone so far in opposition as to nominate General Harrison. Could the Jackson men attached to the Whig party forget the bitter opposition of Mr. Clay to their hero?

"To General Harrison no such objections exist. Look at the election returns for evidence of the popular estimate of Mr. Clay and General Harrison. In 1832 Mr. Clay was beaten in Ohio, in New Jersey; in Indiana and in Maryland had a majority of but ninety-two, and in Delaware of but one hundred and sixty-six. In 1836 General Harrison carried each of these States by handsome majorities, and cut down the Democratic majority in Pennsylvania from twenty-four thousand to forty-three hundred. Van Buren, to be sure, was elected in 1836. Then he had the halo of Jackson's popularity. But how is it now? Has a bankrupt treasury, a wretched currency, profligate use of public money, insolent meddling of Government officers with elections, the many evils of his administration added to his popularity?"

In New York the outlook for Clay was far from good. Early in February an old friend informed him that the great body of the New York Whigs preferred him before all others, and that the Whig Legislature stood ready to openly declare him its choice, but were restrained by a class of politicians who thought it unwise to make a public declaration at that time. Chief among such Whigs were Seward and Thurlow Weed, then the most important political leaders in the State. Disturbed by this warning Clay decided to do

what he had the year before declined to do, and accepted an invitation to visit New York. The time chosen happened to be that selected by Van Buren for a like political tour. Each party sought to surpass the other in enthusiasm for its chief, and the journey of each leader resembled a political progress. All went well with Clay till Saratoga was reached. There he met Weed who told him, as politely as possible, that he could not carry New York, and that for the good of the party he should withdraw in favor of a candidate on whom all the opponents of the administration could unite. That Weed was correct in his estimate need not be doubted; for neither anti-Masons, Abolitionists, nor Conservatives were likely to cast one vote for Clay. But he was willing to take his chances, and the two men parted; Clay fully determined to remain a candidate, and Weed as fully determined to defeat him.

The animosity which the Conservatives felt for Van Buren was expressed in an address by their State convention. The President was charged with responsibility for the panic of 1837 and all the ills it brought, because he had refused to recall the specie circular; with a cruel neglect of the paternal and protecting duties of government by refusing to assemble Congress till the Government was bankrupt, and, after bringing insolvency on the land, with adding to the manifold evils by recommending the sub-treasury, and withholding the fourth instalment of the surplus. He was a political apostate; he had forgotten his promise to follow in the footsteps of his illustrious predecessor, and was no longer worthy to be called a Democratic Republican. He was the enemy of credit, the enemy of banks, the uncompromising advocate of metallic currency. He proposed to put the public revenue in the hands of the Executive, through agents appointed by him and removable at his will, unite the purse and sword, increase his means of corruption, and by uniting in his person the command of the army and navy, and the keeping and the spending of the public money, gather to himself every attribute which defines a monarch and creates a tyrant. "Suppose we had a metallic currency," it was said, "would our condition be improved? There is in this country about

sixty millions of specie. Our circulation, even in these times of distress, is not less than five hundred millions. How much more freely then will we breath when the President has brought us down to sixty millions? The man who now gets a dollar a day will then get a shilling, and think himself fortunate to get that. The man who has ample means will be reduced to insolvency, and the man who owns a farm and owes for one-eighth of it will lose his estate and be brought to want. Shall the People or the Executive control public measures? Shall we have a Government by the people or by officeholders? Shall we have prosperity or ruin and misery? These are the questions you must answer."

The Whig convention in Virginia declared for Clay and Tallmadge,* as did that of North Carolina.† Those of Michigan, of Tipton County, Tennessee, and of New York City preferred Clay, but would support the choice of the convention.‡ That Clay was the party favorite was by this time quite clear; but it was equally clear that he was not the available candidate and that if the many factions opposed to the administration were to be united under the Whig banner, it would have to be carried by another chief. A rumor, current in August, set forth that Seward, Weed, and the New York Whigs would abandon Clay and take up Winfield Scott.# But it came from a Locofoco journal, was denounced as a foolish attempt to divide and conquer the Whigs, and was soon forgotten. Yet it was true, and when the great Whig convention met in December, General Scott was given the votes of New York, New Jersey, and Vermont.

The first day of the Harrisburg convention was taken up with matters of organization. On the second the work of selecting a candidate began. The Massachusetts delegation presented an order of business which proposed that the delegates from each State should assemble, appoint each a committee, and then ballot for President and Vice-President;

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* Niles's Register, October 19, 1839, p. 127.

† National Intelligencer, November 18, 1839.

‡ Ibid., November 23, 1839.

The New Era. National Intelligencer, August 3, 1839.

that the result should then be made known to the committee, which should announce it to a general meeting of the committees from all the States; that in this way the State delegations should continue to ballot until a majority of the States should have voted in favor of some one particular candidate whose name should then be laid before the convention for further action. No little opposition was made to this plan; but it was adopted, with an amendment that the vote of the majority of each delegation should be reported as the vote of the State, which should be its full electoral vote.

On the third day, in order that the balloting might go on, adjournments were taken again and again till near midnight, when the chairman of the committee of three from each State reported that two hundred and fifty-four votes had been cast; that one hundred and twenty-eight were necessary to a choice; that Winfield Scott had received sixteen, Henry Clay ninety, and William Henry Harrison one hundred and forty-eight.*

The committee was then given leave to sit again and ballot for a Vice-President. When the convention assembled on the morning of the fourth day member after member rose to eulogize Clay. "The first choice of my constituents," said one, "was Henry Clay; and my constituents are uncompromising; but it is in their hostility to Martin Van Buren. They left me uninstructed who to vote for save on the first ballot, and now I stand on the broad platform of hostility to Martin Van Buren and will support the nomination." "The first choice of Maryland," said another, "is well known. I came here to support, and did support, that choice till it was found that there was another name under which we can carry dismay into the ranks of the oppressors of our country with perhaps better hope of success." He moved, therefore, that the nomination of Harrison be made unani-

* On the first ballot Clay received 103, Harrison 91, and Scott 57 (New York, New Jersey, and Vermont). Michigan was divided till the third delegate appeared. After several ballots Connecticut and Michigan went over to Scott, thus making the vote Clay 95, Harrison 91, Scott 68. On the last ballot, New York, Michigan, and Vermont left Scott and Illinois left Clay and the vote stood Harrison 148, Clay 90, Scott 16.

mous. The convention and the crowd that filled the galleries shouted a willing response, whereupon the friends of Clay, one by one, rose to express their determination to give to the chosen candidate that support which they had "heretofore felt bound to give to another equally cherished name."

Preston of Kentucky moved for an address to the people, declared the hopes of Kentucky were blighted in the defeat of her favorite son, but assured the convention that no disappointment would rankle in the breast of Henry Clay. "There is," he said, "a letter in possession of the convention which will prove the truth of my statement, and I hope the letter will be read." A great clamor for the reading of the letter brought another delegate from Kentucky to his feet, and in the midst of a profound silence a document which Clay had never expected would be used was laid before the convention. Appeals, Clay wrote, direct and indirect, had been made to him by a Pennsylvania convention and by private citizens urging him to withdraw his name in favor of a distinguished son of Ohio who was the first choice of the opposition in Pennsylvania. Respectable citizens of New York had also addressed him and recommended him to decline in favor of another citizen distinguished alike in the military and in the civil service of the United States. On the other hand private citizens, public meetings, and conventions in various parts of the country had called on him to be the candidate of the opposition. Under these embarrassing circumstances it seemed best to leave to the Harrisburg convention the free selection of a candidate. Should another than himself be chosen, "far from feeling any discontent the nomination" should have his "best wishes and receive" his "cordial support."

More eulogies followed. Delegate after delegate declared that his first choice had been Clay; but that he would support the nomination and, in the words of Wise of Virginia, he was for "Union for the sake of Union." In the midst of this speechmaking the chairman of the committee of three from each State reported that John Tyler was the unanimous choice of the States for Vice-President. The convention confirmed this choice, recommended that the

Whig young men of the several States hold a convention at Baltimore on Washington's Birthday, or at any other time, for the purpose of organization, and then adjourned without day. No platform was adopted; no address to the people was ordered.

The convention having come to an end many delegates with one accord started for Washington. Happening to take the same train, it was found on comparing notes that all—all to a man—were the earnest admirers and steadfast friends of Clay. A meeting was forthwith called, a chairman elected, and a resolution passed to wait on Clay and assure him that his crowning act of self-sacrifice was fully appreciated, that his letter urging the convention to merge all other considerations in that of helping their country and their cause was an everlasting monument to his principles and a justification of all that had ever been said of him by his warmest friends. After reaching Washington and gathering for the purpose of their visit to Clay, it was found that of the twenty-two States which sent delegates to Harrisburg, eighteen were represented in Washington.

The meeting with the great man is described as most affecting. All hearts were moved. A profound solemnity settled over the faces of the delegates and some shed tears, for Harry of the West has "been offered up, not so much by his friends, however, as by himself, a living sacrifice to the great principles of our political faith which forbids man worship"?

The affecting ceremony over, a committee from the Whig members of Congress invited the delegates to a dinner which took place on the night of the following day. There was a speech from Clay, who was astonished to hear of sacrifices. There had been no sacrifice, none whatever! How could it ever have entered the hearts of men to suppose that what the Whigs of the New World were toiling for ever was, or ever could be, a contest for men—for Henry Clay, or William Henry Harrison, or Daniel Webster, or Winfield Scott? There were speeches from Tyler, from Crittenden of Kentucky, and Wise of Virginia, and Bell of Tennessee, and Granger of New York, and Lincoln of Massachusetts, and

happy allusions to "the North Bender," to Harry and to Harry's-son and Harry's-burg, where those who could not get Harry had wisely determined to take Harry's-son.*

As the result of the labors of the convention became known great ratification meetings were held at Philadelphia, New York, and Poughkeepsie. When the Whig members of the Kentucky legislature heard the news they met at once and appointed a committee to address the people, and the Whig Central Committee called earnestly on the voters to support Harrison, for the defeat of Clay was keenly felt in Kentucky. In New Jersey the Whigs of Mercer County met at Trenton and, in the resolutions then adopted declared that they rejoiced over the nomination of Harrison as a bright omen for the country, as the morning star of hope, as the sure forerunner of the return of good government; that their ardent and long-cherished admiration for that high-souled man, devoted patriot, and preëminent statesman, Henry Clay, was still more elevated by his noble conduct in espousing the cause of Harrison; and that the Whigs of New Jersey were impatient for election day when, at the head of a long array of admiring supporters, they would lead the Hero of Tippecanoe in triumph to the presidential chair.† The Abolition press was delighted with the nomination and hailed the defeat of Clay as a new triumph for the cause.

The *Liberator* regarded it as another sign of the times, as a signal defeat to slavocracy. Had it not been for the Abolitionists, Henry Clay would surely have been nominated. Never again would a slaveholder be permitted to fill the presidential chair. "Praise God!" exclaimed the *Emancipator*, "for a great anti-slavery victory. A man of high talents, of great distinction, of long political service, of boundless personal popularity has been openly rejected for the Presidency because of his devotion to slavery. A slaveholder is incapacitated for the Presidency of the United States! Set up a monument of progress!" "The rejection

* All these proceedings are narrated in the National Intelligencer, December 14, 1839.

† National Intelligencer, January 3, 1840.

of Mr. Clay," said the *Philanthropist*, "and the selection of General Harrison is to some extent a concession to the spirit of liberty in the North." "The rejection of Henry Clay," said the Oberlin *Evangelist*, "shows that a slaveholder can never again expect to be President of this free Republic. For what has been gained, we thank God, and for what is yet to be gained we trust in the same God." Another journal declared that the Abolitionists of Ohio were in ecstasies over the defeat of Clay and the nomination of Harrison. The *Globe*, the administration newspaper, charged Harrison with being an Abolitionist, and as such, attacked him vigorously. An Ohio newspaper * assured its readers that if Harrison were elected the twenty-eight millions of surplus revenue deposited with the States would be recalled and used to buy "refuse negroes to be set free to overrun our country." Had he not said in a speech that nothing was nearer his heart than to see the whole surplus revenue appropriated to the cause of emancipation?

To this charge the Whig members of the Virginia legislature made reply. On every question involving political principle Harrison was, they held, more orthodox than his competitor. Especially was this true on that all-absorbing and, to the South, vital, question, Abolition. Surely Harrison, who had lost a high and honorable position because he opposed the Missouri restriction, and who denied the power of Congress to meddle with slavery in the States, ought to be preferred by the South to Van Buren, who was chiefly instrumental in getting up the restriction and who had voted to give the negro the same right of suffrage as the white man in New York.†

The Whigs having failed to provide a platform for their opponents to attack, the Democratic press fell upon the man, and in sneers at his poverty and humble occupations as a farmer and clerk of a court, gave to the Whigs the most popular of platforms. A correspondent, writing to a Baltimore newspaper, observed that when a friend of Clay heard

* Ohio Statesman. The Globe, January 13, 1840.

† The National Intelligencer, January 16, 1840.

of the Harrisburg nomination, he remarked that if Harrison were given a pension of two thousand dollars a year, plenty of hard cider, and a log cabin to live in, he would never trouble anyone about the Presidency.*

Because of this Harrison was promptly dubbed "The Log Cabin and Hard Cider candidate," an old granny, a deserving old gentleman, doubtless, but one his friends should be content to leave in the quiet enjoyment of his fees as clerk of a court in Ohio.† The sneer, Log Cabin, Hard Cider candidate, was just such a campaign cry as the Whigs needed. It was taken up instantly, and in a little while the plain people the country over believed that he really did live in a log cabin, that he was a man who never touched strong liquor, earned his bread by cultivating his farm with his own hands, and was, in fine, a modern Cincinnatus at the plow.

Log Cabin candidate, said the Whigs, is the term of reproach given by the Van Buren party to General Harrison because, after fifty years of patriotic devotion to his country, he has retired to his farm poor and dependent on his daily labor for his daily bread. The pampered officeholders of the Federal Government sneer at the idea of making a poor man President. These scoffers at Republican simplicity point with exultation to the palace of Van Buren, to his liveried servants, his numerous outriders, and ask if a man who has drunk hard cider all his life is fit to occupy the White House.‡ He has lived in a log cabin long enough,

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* "Give him a barrel of Hard Cider, and settle a pension of $2,000 a year on him, and my word for it, he will sit the remainder of his days in his Log Cabin, by the side of a 'sea-coal' fire and study moral philosophy."—Baltimore Republican.

"A Proposition. It was proposed, some time since, that Gen. Harrison should be presented with a barrel of Hard Cider, on condition of his retiring from the field as a candidate for the Presidency."—Baltimore Republican.

"Gen. Harrison's poverty has awakened the sympathy of the ladies of this District, and they are now at work getting up a subscription to supply the 'war worn hero' with a suit of clothes. If you have any old shoes, old boots, old hats, or old stockings, send them on and they will be forwarded to the 'Hero of North Bend.'"—Washington Correspondent, New York Evening Post.

† Utica Observer. National Intelligencer, January 4, 1840.

‡ New York Daily Whig. National Intelligencer, January 14, 1840.

and the people intend on March fourth, 1841, to give him free rent of their great white house in Washington.* Every log cabin beyond the mountains and throughout the mighty West will rush to the contest in support of a gallant soldier and veteran statesman and seat him in the Presidential chair.

"Listen," exclaimed a North Carolina Whig editor, "to the fawning minions of power casting sneers at the venerable hero of Tippecanoe on account of his poverty! Hear them urging it against him that he is a clerk in a county court! He who has fought more and harder battles than any other warrior now living in the United States, who gained more splendid victories than any other American hero now living; who was Governor of the Northwest Territory for fifteen years; who was a delegate, and a Representative in Congress, a Senator of the United States, and a minister to a foreign court, has come out of all these offices poor. He might have been as rich as Jackson or Van Buren." †

At a Harrison and Tyler ratification meeting at Harrisburg a huge transparency was displayed. On one side was Harrison's log cabin; on the second, the battle of the Thames; on the third, the flag of the Republic; and on the fourth, "Democracy, Reform, and one Presidential term." ‡ Such popular meetings in the East were tame when compared with the enthusiastic rallies in the West. When the Indiana Whig State convention was about to assemble at Indianapolis the delegates came with bands of music, flags, banners, and mottoes, and came in such numbers that they formed a procession a mile long.# At another, in the Western Reserve, described as the greatest ever known there, were three thousand men who left their "log cabins" to "cheer on the friends of the log-cabin candidate." There, too, was a procession with banners bearing such inscriptions as "Don't give up the ship"; "The Union of the Whigs for the sake of the Union"; "The Hero of Tippecanoe";

* National Intelligencer, January 10, 1840.

† North Carolina Star. National Intelligencer, January 14, 1840.

‡ Ibid., January 27, 1840.

National Intelligencer, January 28, 1840.

"The Farmer's President; the People's candidate." * Twenty-five hundred were counted at the Cleveland rally. No building could contain the crowd, so "the temple of nature was used."

Greater still was the attendance at the Ohio Whig convention, at Columbus, on Washington's Birthday. Travel at that season of the year was, indeed, difficult. But neither snow nor rain, nor roads knee deep with mud could dampen the zeal of the Whigs. Twenty thousand, it was claimed, came from all parts of the State. Some walked, some rode, whole delegations arrived in canoes or log cabins or boats, mounted on wheels and drawn by six or eight horses, and decorated with banners and mottoes. On one banner was the American Cincinnatus with his hand on the plow. On another he stood at his cabin door dealing out hard cider to canal laborers. A delegation from the Maumee brought, on wheels, a model of Fort Meigs. A company of Mad River trappers came in a log cabin decorated with coon skins; the men from Cleveland had a square-rigged brig; a party on foot shouldered corn-shuck brooms; on the roof of some of the log cabins as they rolled along sat "merry fellows eating johnnycake, and drinking hard cider and singing patriotic songs." † The great procession was on the second day of the convention. With eight men marching abreast, and the cabins, canoes, and boats in line, it was two miles long.

The West, it was truly said, was aflame. "There is not a tree, not a stone in all the West," exclaimed one enthusiastic editor, "that does not own to the Harrison cause. Women name their children Tippecanoe, North Bend, anything that smacks of Harrison. We know a drayman who has called one of his horses Tip and the other Ty, and as he snaps the whip crys out, 'Go it, Tip! come it, Ty!' Harrison and Tyler are everywhere. They are seen in the beams of the western sun. They are heard in every breeze that blows. 'Huzza for Harrison!' say the boys as their sleds

* National Intelligencer, January 5, 1840.

† Ibid., February 28, 1840.

glide down the streets. 'Huzza for Harrison!' shout the urchins as they go home from school. The people are struggling to hold in; they want to vote now." * "The hens in the West," said a wag, "never lay an egg nowadays but they cackle, 'Tip-tip! Tip-tip! Tyler'!"

"In what grave and important discussion," a Van Buren editor asked, "are the Whig journals engaged? How are they enlightening the public mind and supplying material for that deep and solemn reflection which befits a great people about to choose a ruler? We speak of the divorce of bank and state; and the Whigs reply with a dissertation on the merits of hard cider. We defend the policy of the administration; and the Whigs answer, 'log cabin,' 'big canoes,' 'go it, Tip, come it, Ty.' We urge the reëlection of Van Buren because of his honesty, sagacity, statesmanship, and show the weakness and unfitness of his opponent; and the Whigs answer that Harrison is a poor man and lives in a log cabin. We show that he is not a poor man, that he does not drink hard cider, unless from choice, that his home is not a log cabin, but a fine house, and that as clerk of a court he receives a clear income of six thousand dollars a year in fees; the Whigs reply, 'No matter, the prairies are on fire.'" †

The poverty, the log cabin, the hard cider, the Democrats never wearied of pointing out, were false appeals to sympathy. The man the Whigs pictured as poor really lived in a large and splendid mansion on the banks of the Ohio, in the midst of a princely estate of two thousand acres. That he was mentally unfit to be President was proved, they said, if it needed to be proved, by the way his friends guarded him. When an association in Oswego addressed a letter questioning Harrison as to his political faith, they received a reply signed by three men who called themselves his confidential committee. For General Harrison to answer the many letters received each day was impracticable. The duty of replying had therefore been taken over by the

* The Pennsylvanian, February 28, 1840.

† Ibid., March 25, 1840.

committee whose policy it was that General Harrison should make no further declaration of his principles for the public eye.* Delighted at what it considered a sure sign of imbecility the Democratic press ridiculed the committee as the "sense-bearers," dubbed Harrison "General Mum," and declared that the poor old gentleman had been taken in charge by a committee without the formality of a writ *de lunatico inquirendo*.

Scoffs and jeers, however, went unheeded by the Whigs, or served but to inflame the rising enthusiasm for their candidate. Most wisely did a Democratic journal call on the party to let Harrison and his history alone and "fire away" at what were supposed to be Whig principles. Everywhere Whig young men were holding meetings for the choice of delegates to their convention, and at these meetings sneers at the hero of Tippecanoe made good campaign material. The East, catching the enthusiasm of the West, was holding Whig festivals with log cabins on wheels, with Whig banners, Whig music, and Whig songs,† and began to put up Tippecanoe log cabins to serve as headquarters for town committees during the campaign,‡ and to organize Tippecanoe clubs to march and sing and work for the election of "Tip" and "Ty." When the Whig young men of New Jersey met in convention ten thousand men marched in the procession. From five to ten thousand attended the rally at Winchester, to which a delegation came with a log cabin on wheels and drawn by ten horses. Smoke issued from its chimney, and within were men in hunting shirts. At St. Clairsville there were ten thousand. Fifteen hundred came on horseback, and hundreds in wagons. At Frederick City, Maryland, the usual ten thousand attended and "flags,

* The Pennsylvanian, March 27, 1840.

† One of the most popular campaign songs called "Old Tip," and sung to the music of "The Old Oaken Bucket," was written by a young Whig of New York City and read at the Third Ward Whig meeting in March.

‡ "The Whigs of Auburn (N. Y.) are putting up a Tippecanoe Log Cabin. The Tippecanoe boys have gone into the woods to cut the logs. The building will be 35 × 40 feet, and calculated for a committee room for the friends of the Hero of the Thames and Tippecanoe of the county to meet in."—National Intelligencer, March 21, 1840.

banners, log cabins, bands of music, and smiling women cheered the day."

In the midst of these Whig rejoicings a little band of men, gathered from six States, met at Albany, laid the foundation of a third party, and placed two other men in nomination for the Presidency and Vice-Presidency of the United States. No newspaper mentioned their proceedings, save to comment on them with contempt. Yet the political movement there begun proved to be the most important in our history since the adoption of the Constitution.

That the time had come when the anti-slavery people should break away from both the old parties and put in the field candidates of their own had been the firm belief of certain leaders in New York and Massachusetts for a year past. Hitherto the Abolitionists had acted as a third party, and by throwing their support to one side or the other had defeated this man or elected that, or forced the Whigs to take up anti-slavery candidates. The defeat of Governor Vance of Ohio because he surrendered the Rev. John B. Mahan to the Governor of Kentucky; the election of Luther Bradish, Lieutenant Governor of New York, by a vote greater than was cast for any other Whig on the ticket; the election of William Sprague, Governor of Rhode Island, and the election to Congress of Joshua R. Giddings of the Western Reserve, Seth M. Gates of the Genesee district in New York, and of a member from Massachusetts who died before taking his seat, were but so many signs of growing power. From a party thus giving its support to the least objectionable Whig or Democratic candidate, to a party with its own platform, candidates, and leaders, the transition was easy and sure to come. Indeed, it was a clear perception of this independence that led Clay in his famous anti-slavery speech in February, 1839, to say, "It is because these ultra-Abolitionists have ceased to employ the instruments of reason and persuasion, have made their cause political, and have appealed to the ballot box, that I am induced on this occasion to address you." And it was this denunciation by Clay that brought from Senator Morris of Ohio the retort, "Who shall dare say that an Abolitionist has no right to carry his

principles to the ballot box? Let me then proclaim here, from this high arena, to the citizens, not only of my own State, but of the country, to all sects and parties who are entitled to the right of suffrage: To the ballot box."

That the attack of Clay did much to stimulate the independent party movement is not to be doubted. What had hitherto been discussed now took the form of action. A circular sent out from New York suggesting the nomination of an anti-slavery ticket for State officers and members of Congress brought hearty responses. But an attempt to obtain a nomination of candidates for the Presidency and Vice-Presidency by the anti-slavery convention which met at Albany in July and August, 1839, ended in failure. A Monroe County convention at Rochester in September, a convention of fourteen members, was more considerate, and under the influence of Myron Holley adopted resolutions urging Abolitionists to set up a national ticket, appointed a committee to address the public, and requested the anti-slavery convention about to meet in Cleveland to name the candidates for President and Vice-President.

Against this the managers of the Massachusetts Anti-Slavery Society protested vigorously in an address to abolition voters.* They had seen with regret and alarm a growing disposition to persuade Abolitionists to form a distinct political party. Any such action would be ill advised, because it would not unite but would divide Abolitionists, and "a house divided against itself cannot stand"; because it would bring into the abolition ranks a swarm of unprincipled aspirants who, for the sake of the loaves and fishes of office, would resort to the worst artifices to justify their ambition; because it would strip the anti-slavery cause of its disinterested, philanthropic aspect, would be a virtual denial of the power of moral suasion and eternal truth to overcome prejudice; would incline the pulpit to plead less frequently and far less effectively in behalf of the anti-slavery cause; would be a hazardous experiment; would array against anti-slavery

* Address to the Anti-Slavery electors of Massachusetts. The Liberator Extra October, 1839.

the whole power of the Whig and Democratic parties, and bring down upon Abolitionists the charge of inconsistency. Again and again the Society, by resolution or through its executive committee, had repudiated the idea of organization as a political party. Now it was a resolution that Abolitionists ought neither to organize a distinct political party, nor, as Abolitionists, to attach themselves to any existing party; now "that we shall deprecate the organization of any Abolition political party"; and again, "that Abolitionists have resolved from the first to act upon slavery politically, not by organizing a new political party, but by making it the interest of the parties already existing to act upon abolition principles." To these principles every true friend of emancipation should hold fast and, forgetful of party names, heedless of party badges, give his vote for no member of the State or National Legislature who did not favor the immediate abolition of slavery in the District of Columbia and the Territories.

From Ohio, where the convention was to meet, came a like protest. "Our object," said a convention of Abolitionists in the Western Reserve, "is not the formation of a distinct political party. We repudiate the name of party." "Anti-slavery men," said the *Philanthropist*, "are against slavery everywhere; but an anti-slavery political party can only be against slavery somewhere, as in the District, or in the Territories, or against the admission of Florida, the annexation of Texas, or against the interstate slave trade."

When the Cleveland convention met, in October, the proposition to nominate candidates for the Presidency and Vice-Presidency, after a long debate was laid on the table, and the advocates of an independent ticket turned once more to New York, and by a convention which met at Warsaw in November secured the nomination of James G. Birney and Francis J. LeMoyne. Both declined; LeMoyne from modesty; Birney, because the nomination did not come from a national convention called for the purpose.

This objection was speedily overcome in January, 1840, by a State convention of New York Abolitionists who issued a call for a national convention to meet at Albany on April

first, 1840, to take into consideration the formation of a Liberty Party. Six States were then represented and the delegates, convinced that they were pledged not to vote for nor support any man for President or Vice-President who was not in favor of immediate abolition and sure that neither the Whigs nor the Democrats would put up such men, resolved that they owed it to the sacred cause of human rights to nominate such men, and selected Birney and Thomas Earle of Philadelphia as the candidates of the Liberty Party.

Nowhere did this entrance into politics as a third party meet with hearty approval. A Whig journal in Boston was glad the Abolitionists had decided to support their own candidate; they were not wanted as an adjunct to the Whigs. The *National Intelligencer* believed the movement was a Van Buren scheme to draw away votes from the Whigs and lead to their defeat in New York and Massachusetts.

That this bold attempt of Birney, Holley, Elizur Wright, and other old-time leaders to found a political abolition party, if persevered in, would sooner or later split the anti-slavery ranks was certain. But when the annual convention of the American Anti-Slavery Society met at New York a few weeks later, causes of a very different sort rent the Society in twain. The minority, led by Birney, Wright, Stanton, Tappan, and others, formed a new organization which they called The American and Foreign Anti-Slavery Society, and charged the old Society with a pursuit of purposes and objects not contemplated by its founders, foreign to its original aims, not necessary to their attainment, and fatal to success, and specified these foreign issues as the woman question, no political action, and the acceptance of Garrison's no human government views.

The great gathering, the greatest political demonstration which, up to that day, had taken place in the United States, was the Young Men's Whig convention at Baltimore. Every State and the District of Columbia were represented. "Not a district of this great Republic," it was boastfully said, "was without its delegates. Representatives were here from beyond the Mississippi, from the borders of the Great Lakes, from the shores of the Gulf of Mexico. The

sons of the Puritans met with the descendants of the Cavaliers; the Western Buckeye was seen side by side with the Palmetto of the South; the dweller on the seashore saluted the hardy mountaineer." * One hundred thousand people, it was claimed, beheld the great parade of delegates as they marched through the streets to the race grounds where the convention was to meet. All shops were closed; no business was done. Across the streets hung flags, mottoes, portraits of Harrison. Roofs, windows, balconies, and doors were crowded with spectators shouting, cheering, and waving flags and handkerchiefs. The sidewalks "seemed wedged by a solid mass of men."

At the head of the procession marched the Baltimore delegation carrying a banner inscribed with a stanza from the popular Whig song "Old Tip," which well described the scene.† The invited guests came next, and then followed the State delegations bearing silk banners, with mottoes, and devices fitting for the day. Log cabins abounded. One from Pennsylvania was drawn by six horses and adorned with fox skins, buck horns, and implements of frontier husbandry. The latchstring was hanging out; a barrel of hard cider was in the rear, and a gourd near by. A delegation from Alleghany rolled along a ball ten feet in diameter covered with mottoes, inscriptions, apt quotations, and rhymes.

When the race course was reached the procession passed under a triumphal arch, to one side of which stood a log cabin built in true backwoods style. The chimney was of

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* National Intelligencer, May 7, 1840. Baltimore American, May 5, 1840.

† "The people are coming from plain and from mountain,
To join the brave band of the honest and free,
Which grows as the stream from the leaf-sheltered fountain,
Spreads broad and more broad till it reaches the sea.
No strength can restrain it; no force can retain it,
Whate'er may resist, it breaks gallantly through,
And borne by its motion, as a ship on the ocean,
Speeds on in his glory
Old Tippecanoe!

"The iron-armed soldier, the true-hearted soldier,
The gallant old soldier of Tippecanoe!"

sticks, the chinks were stuffed with clay, and the latchstring hung out. Not far away was a miniature Fort Meigs, with real guns. Two platforms were provided—one for the invited guests and one for the officers of the convention. Gathering about these stands while the band played and the guns of Fort Meigs fired a salute, the Whig young men beheld before them the great leaders of their party, Webster, Clay, Preston, Crittenden, Cushing, Fillmore, Wise, and listened to speeches till late in the afternoon. Next day the delegates, assembled in Monument Square, were addressed by a score of speakers, and toward nightfall adjourned.

From Baltimore, the Harrison Ball, as it was called, was taken to Philadelphia to be passed on eastward and rolled in Whig parades. Unhappily, as the returning city delegates were marching through the streets of Philadelphia rolling the ball along, it collapsed in the middle of the street to the great delight of the Democrats, who suggested that nothing was needed to complete this campaign of songs, cider, and puffballs but a popular Whig dance after the fashion of a country breakdown.

While the Whigs were crowding about the speakers in Monument Square the delegates to the national Democratic convention assembled in Musical Hall. The meeting had been called and the time and place suggested by the Central Committee of New Hampshire, for the purpose of agreeing on candidates for the Presidency and Vice-Presidency. To select a name for the first place was a matter of no difficulty. So many States had called for Van Buren that it was the undivided wish of the party, the nominating committee told the convention, that he should be the candidate for President. To agree on a name for the second place was not an easy matter. Many of the States which nominated Van Buren had not agreed on any one man for the Vice-Presidency. The committee, therefore, advised that it was inexpedient to make a choice, and suggested that the matter be left with the States. The convention took the advice, presented Van Buren to the people as the Democratic candidate for the Presidency, named nobody for the Vice-Presidency, and adopted a platform of principles. The

Federal Government was declared to be one of limited powers; was denied authority to carry on a general system of internal improvements; to assume directly or indirectly the debts contracted by the States for internal improvements; to charter a national bank, protect manufacturers, or interfere with slavery in the States. Divorce of bank and state and resistance to every attempt to change the naturalization laws were asserted to be sound Democratic doctrine.

The labors of the two Baltimore conventions having been thus happily ended, the Locofocos began to draw comparisons. "What a striking contrast," it was said, "is presented to the people by the proceedings of the two conventions. The one, casting aside reason as something not likely to answer its purpose, assembled not to show enthusiasm, but to create it. The other, a dignified, deliberative body, regularly formed, met quietly and broadly and plainly stated its principles and submits them to the consideration of the people. The one kept Baltimore in a whirl of excitement for several days with its marchings and counter marchings; its banners, cider barrels, log cabins, badges, songs, and huge balls rolled along to make the children stare. The other made no inflammatory appeals, held no parade of unmeaning contrivances, resorted to no clatter of barrels and tin cups. The one uttered not a word in reference to party principles and offered no reason why Martin Van Buren should be opposed. The other, shunning all fustian rant, defined the sound maxims of political economy and national finance on which the administration of Van Buren rests.

"The Whig's party has refused to put forth an address to the people stating its views on the issues of the hour; the candidate is closely guarded by a committee and is not suffered to speak. Is it not fair to presume, therefore, that there is something to conceal, and that this something is the fact that William Henry Harrison is still a member of the old Federal party of '99—the party that established the National Bank, opposed the war of 1812, supported a high tariff for protection and internal improvements at government expense, and now calls for a second assumption of State debts and has formed an alliance with the Abolition-

ists? This old Federalist has been chosen as the candidate not because of fitness as a statesman, but because of availability as a military chieftain, and a man of the people. The cry of log cabin, hard cider, Cincinnatus at the plow, is raised in order to convey the belief that the one is his habitation, the other his beverage, and that agriculture is his pursuit. Far from suffering the stings of poverty, he lives in a large and commodious house, enjoys the products of a fruitful farm, and the income of a lucrative county office.

"He bears the military title of General; but his reputation as a military man added nothing to the glory of his country and was so doubtful that the Senate of the United States refused him the compliment of a sword. Neither has he been more fortunate in his civil career. He was defeated as a candidate for Governor both in Indiana and Ohio, and in both Indiana and Ohio was in favor of selling poor white men into slavery when unable to pay the costs of suits at law.* Do the farmers, mechanics, laboring men suffer from

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* In 1807, when Governor of Indiana Territory, Harrison approved an act which provided: "Sec. 30. When any person, or persons, shall, on conviction of any crime, or breach of penal law, be sentenced to pay a fine or fines, with or without costs of prosecution, it shall and may be lawful for the court, before whom such conviction shall be had, to order the Sheriff to sell or hire the person or persons so convicted, to service, to any person or persons who will pay the said fine and costs for such term of time as the court may think reasonable." If the person "so sentenced and hired or sold" ran away, and was captured, he "shall, on conviction before a justice of the peace, be whipped with thirty-nine stripes and shall moreover serve two days for every one so lost."

In 1821, when a member of the Ohio Legislature, Harrison voted for an act for the punishment of certain crimes. One section provided that "when any person shall be imprisoned, either upon execution or otherwise, for non-payment of a fine or costs, or both, it shall be lawful for the Sheriff of the county to sell out such person as a servant to any person within this State, who will pay the whole amount due, for the shortest period of service."

While the Democratic speakers and newspapers were making the most of these acts, the Governor of New Hampshire, in his message to the Legislature, made a recommendation which the Whigs cited with glee. "So fluctuating have been the prices of manufactured articles in the market, that few are disposed to contract for the labor of convicts; perhaps those convicts who are mechanics can be advantageously let for particular branches of business. I would, therefore, suggest the propriety of continuing authority to hire out a part or all the convicts of a suitable term."

the reduction of prices, the scarcity of money, and the difficulty of finding work? If so, let them know that they owe their troubles to the banks and bankers. Are business men embarrassed by the want of specie change to such an extent that they are forced to take the worthless small bills of the States? If so, the banks are the cause, for they have two thirds of the specie locked up in their vaults."

Temperance people were next appealed to and asked what they, as grave and sober citizens, thought of the statement of Mr. Leonard Bacon before the annual temperance convention at New Haven? "There is," said he, "another reason why the temperance cause is retrograding. Within three or four months intemperance has become the badge of a political party. The hard-money humbug was bad enough; but the hard-cider humbug will prove more disastrous to the country. More than ten thousand men will be made drunkards in one year by the hard-cider enthusiasm." Will fathers of families, the Democrats asked, consent to have their sons join Tippecanoe clubs, and march about the streets of our cities dragging barrels of hard cider, sham forts on wheels, canoes, sticks of wood put together like a huge crow's nest and called a log cabin, and shouting like demons let loose from the infernal regions?

That the popularity of the log cabin was much abused admits of no doubt. Rum sellers found it a most profitable resort, and in many towns and cities cabins were fitted up with a bar and all the appliances of a grog shop. Against this decent Whigs protested. One cabin in particular, known as the Broadway Log Cabin, in New York City, excited much indignation. "Let cider barrels," it was said, "be adopted, if need be, as political insignia; but let them be empty. If the Whigs expect to retain in their ranks the true friends of temperance and morals their log cabins must not be converted into rum holes. That which is morally wrong cannot be politically right, and any party which shall thus outrage the consciences of the religious community need not expect its vote."

"Let it never be forgotten," said the Whigs, "that the sentiment for which the log cabin stands is of thrilling in-

terest not merely to the cultivator of the soil, but to every poor man the country over, for the purpose of the Van Buren press when it called General Harrison the Log Cabin candidate was to throw contempt on honest poverty. Deeply do the more candid of the party now regret the sneer; but it is too late. The leaven is at work, the log cabin is woven on handkerchiefs, struck on medals, stamped on buttons, and the eyes of the whole people are turned to it as the symbol of the hardihood, independence, honest toil which have made this nation great."

"The words 'Log Cabin and Hard Cider,'" said the Democrats, "were never uttered as a sneer by any member of the Democratic party. They were uttered by a friend of Mr. Clay when he heard of the nomination of Harrison, were overheard by a correspondent of a Baltimore journal, and were published as reported. No member of the Democratic party had anything to do with the introduction of these celebrated words into the political vocabulary." *

Who originated the phrase, the Whigs cared not. The sentiment it expressed appealed strongly to the people. Scattered over all our country were millions of men and women who still lived in log cabins, or had been born in log cabins, or whose parents had lived in that humble abode. It was the home of the pioneer; it was the symbol of American hardihood, and no sneer could have been more galling than this insult to the early homes of the builders of the nation. In every city, town, and village where twenty Whig voters could be mustered, old men and young formed Tippecanoe clubs and raised log cabins to be true Whig headquarters. They stood on village greens, on vacant lots, on street corners. Beside each cabin was a cider barrel and a gourd; to the wall of each a coon skin was made fast; from each door a latchstring was always hanging out, and before the cabin, from a tall pole, waved a banner on which was painted "Harrison and Reform." Within were benches and a roughly made table heaped with the newspapers, pamphlets, and broadsides that made the literature of the campaign.

* The Globe, September 23, 1840.

Among such were the "Tippecanoe Text Book," the "Log Cabin Song Book," "Log Cabin Anecdotes," the "Harrison Almanac," and one or two of such stanch campaign journals as *The Log Cabin Farmer*, *The Log Cabin Rifle*, *The Log Cabin Advocate*, *The Harrison Eagle*, *The Harrison Flag*, *The Harrisonian*, or, best of all, *The Log Cabin*, which Horace Greeley edited, and which reached a circulation of eighty thousand copies.

Every ardent Whig carried a Tippecanoe handkerchief, wore a Tippecanoe badge, or a Tippecanoe breast pin, and hung in some conspicuous place in his home a richly ornamented certificate of membership in a Tippecanoe club, and knew by heart the popular Tippecanoe songs.*

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* Some stanzas from a few of the popular songs may serve as specimens:

"Make way for old Tip, turn out, turn out!
Make way for old Tip, turn out!
'Tis the people's decree,
Their choice he shall be,
So Martin Van Buren turn out, turn out!
So Martin Van Buren turn out!"

Kinderhook *vs.* Tippecanoe.

Office holders for plaintiff, Clay and Webster for defendant.

The plaintiff charges,

"That he lives in a cabin built of logs,
Drinks nothing but hard cider too,
He plows his own ground, and feeds his own hogs,
This fellow of Tippecanoe."

Webster and Clay admit all the charges. The jury give a verdict for Tippecanoe whereupon

"The Martin that made the White House his nest,
Away with his noisy flock flew
When he saw, come sweeping on from the West,
The eagle of Tippecanoe."

"Oh, know ye the farmer of Tippecanoe?"
The gallant old farmer of Tippecanoe?
With an arm that is strong and a heart that is true,
The man of the people is Tippecanoe.
Away in the West the fair river beside
That waters North Bend in its beauty and pride,

This enthusiasm the Democrats met with derision, cartoons, attacks on the courage and military fame of Harrison, and the old cry of black cockade Federalism.

"Keep it before the people," said they, "that William Henry Harrison supported the Alien and Sedition laws passed by the Federalist party in the memorable reign of terror; wore the black cockade in 1800, and was one of old John Adams' officeholders for many years. Keep it before the people that he justified the administration of his chief when it sent armed soldiers among the people to stop them putting up Liberty poles, and to cut down those already erected. Keep it before the people that Harrison, in the Senate of Ohio, voted in favor of a law for selling white men into slavery,

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And shows in its mirror the summer sky blue
Oh, there dwells the farmer of Tippecanoe.
When the clear eastern sky in the morning's light gleams
And the hills of Ohio grow warm in its beams,
When the fresh spring grass is bent down by the dew,
With his plow in the furrow stands Tippecanoe.
Hurrah for the farmer of Tippecanoe,
The honest old farmer of Tippecanoe,
With an arm that is strong and a heart that is true,
The man of the people is Tippecanoe."

"Should brave old soldiers be forgot?"

"What tho' the Hero's hard 'huge paws'
Were wont to plow and sow?
Does that disgrace our sacred cause?
Does that degrade him? No!
Whig farmers are our nation's nerve,
Its bone—its very spine,
They'll never swerve—they did not swerve
In days of old lang syne.

"No ruffled shirt, no silken hose,
No airs does Tip display;
But like 'the pith of worth' he goes
In homespun 'hoddin-grey.'
Upon his board there ne'er appeared
The costly 'sparkling wine,'
But plain hard cider such as cheered
In days of old lang syne."

a law under which a poor soldier of the Revolution could be sold to a free negro and led into captivity by his sable master. Keep it before the people that in the Territory of Indiana Harrison approved and signed such a law, to which was added the penalty of thirty-nine lashes if the white slave, male or female, sought liberty in flight and was caught; that he placed the money of the rich man and the liberty of the poor man on a level; that while the man with money could pay his fine and go free, the man without money must forfeit liberty and atone for his misfortune in chains and a dungeon. Keep it before the people that Harrison, as Governor of Indiana, approved and signed a law imposing a property qualification on voters to entitle them to vote; that he would allow the man with a freehold of fifty acres to approach the ballot box, but would keep away the man who had but forty-nine. Keep it before the people that during the last war Harrison resigned his commission in the hottest and thickest of the fight and went home; that the Senate of the United States refused to present him with a medal and a vote of thanks; that New York refused him the freedom of the city; that he is an Abolitionist and secretly in league with them; that he still hangs on to his clerkship; and that he presents the first and, let it be hoped, the last example of an aspirant for the presidential chair standing mute before the people." *

That the Northern Whigs were Abolitionists was openly asserted in an address to the people of the slaveholding States by their Representatives in Congress. "It is not," the Congressmen said, "as members of a political party that we appeal to slaveholders. A crisis has arrived which makes party interests a secondary consideration with Southern men. The time is near when it must be determined not whether the Federal or the Democratic party shall govern the country, but whether in a large part of the Union States shall exist as organized. Some States have abolished slavery; others have not. In those which have abolished slavery vast associations have grown up for the

* The Magician, a Van Buren campaign newspaper.

avowed purpose of attacking slavery in the States where it still exists. These associations are powerful in money and in men and control many presses zealous to spread their doctrines and strengthen their organization. The plain duty of every friend of State rights is to ignore them. Separated from the great parties which divide the people, the extravagance of their doctrines would check their increase. Unhappily this course has not been followed. That their aid has been sought and their support secured by Northern Whigs is made clear by the proceedings of Congress, of State legislatures, and of the Whig National Convention. In December, 1836, the House of Representatives having before it the resolutions of Pinckney, every Northern Whig, save four, voted against the second resolution, and every Northern Whig, save one, against the third. During the session of 1837–38 the resolution of Patton was brought to a vote. Fifty-nine Northern Whigs were for and one against it. At the session of 1839–40, on the proposition to amend the rules and insert in them the substance of Patton's resolution, sixty-four Northern Whigs voted nay and one yea. How was it with Northern Democrats? On the second of Pinckney's resolutions there were sixty-seven for and nine against; on Patton's resolution fifty-one Northern Democrats were for and fifteen against; on the motion to amend the rules twenty-seven Northern Democrats voted yea and thirty-eight no, and so did four Southern Whigs. The compact front of the South was broken, and this may justly be considered as the first fruits of the political coalition which brought about the nomination of Harrison.

"How has it been with Whigs in Northern State legislatures? In 1838 the Abolitionists of Maine petitioned the legislature to demand the abolition of slavery in the District of Columbia, and a resolution so instructing the Senators and Representatives of Maine was reported. Every Whig save two voted for it, and every Democrat save seventeen against it, and it was lost. New Hampshire, in 1839, by resolution, denied the right of Congress to meddle with the relation of master and slave. In the only vote taken, by yeas and nays, every nay save one came from a Whig. In

Vermont, in Rhode Island, in Connecticut, the story is the same. New York, under her Whig Governor and legislature, passed 'an act to extend the right of trial by jury,' and intended to prevent the recovery of every Southern slave who may reach the soil of that State. Acting under the same fatal influences the Whig Governor of New York has refused to deliver for trial three men guilty of slave stealing in Virginia. Contrast this with Democratic Pennsylvania. In the Convention of 1838, called to amend her constitution, an attempt was five times made to extend trial by jury to fugitive slaves. Every Whig, save ten or fifteen, was for it, and every Democrat, save two or three, against it.

"Look next at the Democratic State of Ohio. Recall her strong resolutions of 1839; recall her action toward Kentucky. The Abolitionists were busy enticing slaves from such counties in Kentucky as border on the Ohio River, concealing them and sending them to Canada. Kentucky appealed to Ohio to end this evil by the passage of an effective law. A bill relating to fugitives from labor from other States was brought in and passed. In both House and Senate every vote cast against it was given by a Whig. Every Abolitionist and Northern Whig in Congress supports Harrison. He was nominated by the coalition of Whigs and Abolitionists, and the Abolition press hailed his nomination as a triumph. The Southern voter was assured that Northern negroes wore log cabin breast pins and carried log cabin canes, and that in some of the Southern States the very slaves were saying they would all be free when Harrison was elected."

To the charge of Federalism the Whigs replied that Harrison had been three times appointed to office by Madison and three times by Jefferson, and that if it was wrong for Harrison to accept office at the hands of old John Adams, it was equally so for Washington, whom Adams had appointed and commissioned lieutenant-general.*

To the question, so often asked with great effect from the stump, "How would you like to see one of your poor neigh-

* The Globe, August 25, 1840.

bors sold as a servant to a negro?", to the charge that Harrison had approved a law which "exposed the bare backs of women and of children to the lash, and their persons to sale for inability to pay fine and costs for petty offenses," for perhaps "buying a chicken from a servant," or "trotting over a bridge when the law says it must be passed at a walk," the Whigs found it necessary to make an elaborate defense.

Indiana was not a State, they said, when the selling and whipping laws were passed, and had no penitentiary and few jails. The purpose of the laws was punishment, not reform. If a vagabond stole a settler's hog or rode off with his horse, was it not better to sell the rogue to service than burden the Territory with the cost of feeding and keeping him? That a white man could be sold to a negro was false; a law, also approved by Harrison, expressly forbade such a sale.* And were there no Southern States which had on their statute books laws providing for the sale of white men? Was it not law in Maryland that a person unable to pay a fine should remain thirty days in jail, and if during that time security for payment within six months could not be obtained, the sheriff should "sell such person at auction as a servant for a term not exceeding one year?" † Did not this act become a law of the District of Columbia in 1801? Was it not still in force? Did it not follow, therefore, that Martin Van Buren and his Locofoco friends were in favor of selling white men in the District of Columbia? If not, why had Martin Van Buren never asked for its repeal? How was it in Virginia? Why, an act on her statute book ‡ provided that a vagrant may be "hired out for the best wages that can be procured," and if he runs away "he shall be dealt with in the same manner as other runaway servants." Were not gamblers sold into service in Virginia as late as 1810? South Carolina directs that offenders may be sold for not

* "No negro, mulatto, or Indian, shall at any time purchase any servant other than of their own complexion, and if any of the persons aforesaid shall, nevertheless, presume to purchase a white servant, such servant shall immediately become free."—Chapter 48, Section 9. Approved September 17, 1807.

† Maryland Laws, Act of 1793, Chapter 57, Section 16.

‡ Act of February 10, 1819, January 1, 1820, R. C., Chapter 239.

more than one year. If they are such hardened rascals that nobody will buy them they may be given not less than ten nor more than thirty-nine stripes. Georgia has a similar law. There, too, vagabonds and idle and disorderly persons may be sold to service; or, if nobody will take them, they may be flogged. Is it not true that in Alabama, vagrants, black and white, male and female, may be hired out, or if nobody will buy their time, may be flogged thirty-nine lashes on the bare back? Does not the law of Louisiana provide that vagrants shall be imprisoned for from six months to three years and that the sheriff may, with the consent of a justice of the peace, bind out such offenders to householders to serve at labor for the terms of their sentences? No white slavery there! In Missouri may they not be hired out for six months at public sale? No white slavery in Missouri! On November 21, 1811, just fourteen days after the battle of Tippecanoe, the legislature of Tennessee enacted that gamblers on conviction should be sent to jail and that the sheriff, or a constable, should "sell as servants all such persons for the term of three months, the said officer giving three days' notice of the time and place of sale?" No white slavery in the South!

And what did the people of Ohio do to the men who, with Harrison, voted for the selling law? The man who brought the bill into the Ohio legislature was sent to the Senate of the United States; a man who, with Harrison, voted for the bill has twice been elected Governor of Ohio, and General Jackson appointed another a surveyor-general of the United States.*

The great Whig document of the campaign, the pamphlet that with Harrison Almanacs, Tippecanoe Text Books, and Tippecanoe Song Books, and lives of Harrison and Tyler, found its way into every log cabin, and was carried in the saddlebag of every Whig speaker on his circuit, was

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* The Northern Man with Southern Principles, and the Southern Man with American Principles; or a view of the comparative claims of Gen. William H. Harrison and Martin Van Buren, Esq., candidates for the Presidency, to the support of Citizens of the Southern States, 1840, pp. 21–26.

A Complete Refutation of the charges against General Harrison of voting to sell white men for debt, 1840.

a speech of Charles Ogle, in the House of Representatives, on "The Royal Splendor of the President's Palace." * Ogle's description of this palace, "as splendid as that of the Cæsars, and as richly adorned as the proudest Asiatic mansion"; of the garden with its rare plants, shrubs, and parterres in the style of the Royal Gardens in England; of the men, paid with the people's money, to spend their time plucking up, by the roots, burdock and sheep sorrel; of the East Room, and the Blue Elliptical Saloon garnished with gilt mirrors big as a barn door, and with chairs that cost six hundred dollars a set, was read with astonishment at the fireside of many a plain farmer. Hoosiers, Suckers, Wolverines, and Buckeyes were asked what they thought of the democracy of a President who slept on French bedsteads, walked on Royal Wilton carpets, and sat down on French tabourets; who ate his *pâté de foie gras* and *dinde desoussé* from silver plates with forks of gold; who sipped *soupe à la Reine* with gold spoons from a silver tureen, and rode in a gilded maroon coach of British make, all in the style and fashion of those in which the richest nobles of England dashed along St. James Street, London.† In vain did the Democratic press deny these charges. They were believed by the plain people everywhere. Harrison was the humble farmer, the Cincinnatus of the West, living in a log cabin and cultivating his own land with his own hands, and Van Buren the aristocrat living in a palace, using silver plates and gold spoons, and riding in an English coach with a haughty sneer on his countenance.

As the autumn came on Whig enthusiasm rose higher and higher. Half the population quit work to attend con-

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* Speech of Charles Ogle, April 16, 1840, National Intelligencer, July 25, 1840.

† The Log Cabin Song:

"Let Van from his coolers of silver drink wine,
And lounge on his cushioned settee;
Our man on his buckeye bench can recline
Content with hard cider is he!
Then a shout for each freeman, a shout for each State,
To the plain, honest husbandman true,
And this be our motto—the motto of Fate,
Hurrah! for old Tippecanoe."

ventions, march in procession, go to monster mass-meetings, harvest-homes, and picnics, there to be amused by the famous Whig orators and sing "Tippecanoe and Tyler, too"! With more truth than rhetoric did a Whig speaker say that the fisherman left his nets, the mechanic his tools, and the farmer his plow standing in the furrow, that he might bear his part in the great work of reform. Never had such gatherings of men, and even women, been seen in the land. The anniversary of the battle of Fort Meigs was celebrated in May by a gathering of twenty-five thousand sovereign people on the field of battle. They came on foot, on horseback, by steamboat, in conveyances of every sort, and camped for days on the field. Thousands lodged in tents, which, with their provisions, they had brought with them. Every wagon, every buggy, and there were hundreds of them, every sort of temporary shelter, from the half-faced camp to the log cabin, was filled with lodgers. Ohio, Indiana, Michigan, Kentucky, Pennsylvania, and New York were represented. On the evening before the meeting a sham siege was given by troops stationed within and about the Fort. Next morning Harrison was escorted from Perrysburg to the Fort by an immense crowd on foot, and for an hour spoke in defense of his military reputation.

But the Fort Meigs gathering was a small affair to those held in the autumn. Weeks were spent in preparation. For days before the meeting long lines of covered wagons with provisions and sleeping accommodations blocked the roads. To the great southwestern convention at Nashville, in August, came delegates from fourteen States, bearing banners inscribed with mottoes, pictures of log cabins, and of old Tip. One delegation rolled along a huge ball which had been used in a Zanesville parade. On such occasions every Whig householder in the town where the meeting was held put out of a window or fastened to his roof an American flag, to show that his latchstring was out and lodging free to any visiting Whig. The anniversary of the battle of Lake Erie was the occasion of a monster meeting at Dayton, to which Harrison came attended, from place to place, by an immense escort that grew in numbers as it marched along. At Ur-

bana "acres of people assembled" to greet and welcome him. "Every avenue and street was full, the fields were full, and all was joy and curiosity." From Urbana the procession went on to Dayton, where the "body assembled covered ten acres by actual measurement." * One hundred thousand are said to have been present. On the same anniversary a like jubilee was held at Bunker Hill. "From the day when the *Mayflower* first landed our Pilgrim Fathers on the rocky and inhospitable coast of Plymouth to the present time," said a Whig journal, in true Whig style, "there never has, either in peace or in war, been witnessed such a mighty gathering of freemen as was yesterday displayed in the city." † Sixty thousand at least, it was claimed, were present. Delegates from nineteen States, carrying banners, marched through the streets of Boston, and into Charlestown, and "ascended the eminence consecrated by the blood of our patriotic fathers," where speeches were made by Webster and the Whig orators, and a Declaration of Principles adopted. These principles were a belief in the Constitution, public liberty, free speech, free press, and popular education. Not a word was said on the great issues of the day. The anniversary of Macdonough's victory on Lake Champlain was celebrated by both parties on the same day, the Whigs at Keesville and the Democrats at Plattsburg. A convention of Whig young men at Syracuse afforded an occasion for another procession and another gathering of sixty thousand men.

With August came the State elections. In the West the Whigs carried Indiana and elected their Governor by ten thousand majority. Kentucky followed with a Whig majority of over fifteen thousand. In North Carolina the Whigs gained a great majority in the legislature, made sure of two Whig Senators in place of the two Democrats who had resigned, and elected a Governor by eight thousand majority. Illinois went Democratic. Vermont went Whig, and sent a solid Whig delegation to Congress. Next came Maine, where the Whigs elected a Governor, to the delight

* Urbana Citizen, September 9, 1840.

† Boston Atlas, September 11, 1840.

of the party everywhere. "The Maine question," it was said, "has now been put and carried. Maine is redeemed. Crow, Chapman, crow!" * and a new stanza was added to "Tippecanoe and Tyler too." †

Six States, Georgia, Maryland, South Carolina, New Jersey, Pennsylvania, and Ohio, were to choose State officers and Congressmen during the first and second weeks of October. Delaware, Maryland, and Georgia, which gave Van Buren majorities at the previous elections, now went Whig, or, in the language of the hour, were redeemed from the yoke of Van Burenism.

In Ohio the Whigs rolled up a majority of seventeen thousand, elected their Governor, a Whig legislature, and twelve of the nineteen members of Congress. In New Jersey, where the broad-seal war raged hotly, the Whigs secured the Council and Assembly by a majority of more than three to one, made sure of a United States Senator and Governor, and carried the Counties of Cumberland and Middlesex, where the trouble which caused the broad-seal war began. Even in Pennsylvania important gains were made.

That Harrison would be elected seemed scarcely possible to doubt, but that the Whigs would actually sweep the country was not really expected by the most ardent Whigs. Electors of President and Vice-President were to be chosen at various dates between the close of October and the last

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* A Democratic editor in Indianapolis, writing to a friend in a neighboring county before the election, said: "I hear that thirty voters have turned to Harrison in one neighborhood in your county. Write me if it is so and I will come down and address the people on the policy of the administration. Tell Chapman (the Democratic editor in that county) to crow. We have much to crow over." After the election his words "Tell Chapman to Crow" passed into the political vocabulary of the time, and "Crow, Chapman, crow" became a favorite Whig cry.

† "Oh, have you heard the news from Maine, Maine, Maine,
All honest and true?
For Governor, Kent, and six thousand gain
For Tippecanoe and Tyler, too.
And with them we'll beat little Van.
Van, Van, Van is a used-up man
And with them we'll beat little Van."

of November.* But when it was known, on November ninth, that of eleven States heard from, New Hampshire alone had been carried for Van Buren, that Pennsylvania and New York had chosen Whig electors, and that Harrison was sure of one hundred and fifty-three electoral votes, even the Democratic journals conceded that Harrison was elected, and the Whig press burst forth in expressions of wild delight. At last, it was said, the reign of folly, corruption, and misrule is over. What a debt of gratitude do we owe to the Great Disposer of Human Destinies, for the blessing He has vouchsafed to bestow on us. "Blessed be the Lord God who only doeth wondrous things. And blessed be His glorious name forever, and let the whole earth be filled with His glory." †

As the election news came in from the West and the South it was little more than announcements of successive

* State.	Date of Election.	No. of Electors.
Pennsylvania	Oct. 30th	30
Ohio	Oct. 30th	21
Connecticut	Nov. 2d	8
Rhode Island	Nov. 2d	4
Maine	Nov. 2d	10
New Hampshire	Nov. 2d	7
Virginia	Nov. 2d	23
Missouri	Nov. 2d	4
Illinois	Nov. 2d	5
Arkansas	Nov. 2d	3
Georgia	Nov. 2d	11
Indiana	Nov. 2d	9
Kentucky	Nov. 2d	15
Michigan	Nov. 2d and 3d	8
New York	Nov. 2d 3d and 4th	42
Louisiana	Nov. 3d	5
Tennessee	Nov. 3d	15
New Jersey	Nov. 3d and 4th	8
Mississippi	Nov. 2d and 3d	4
Massachusetts	Nov. 9th	14
Maryland	Nov. 9th	10
Alabama	Nov. 9th	7
Vermont	Nov. 10th	7
Delaware	Nov. 10th	3
North Carolina	Nov. 11th	11
South Carolina	Legislature	11

† National Intelligencer, November 10, 1840.

Whig triumphs. By November eleventh it was known in the East that Michigan and Kentucky were in the Whig column, and by the thirteenth, that Massachusetts, Delaware, and Tennessee should be added to the list. Next came Louisiana and Mississippi. Vermont and North Carolina, and nineteen States, it was said, had pronounced sentence of condemnation on Van Buren. To the Van Buren column, meantime, were added Virginia and Missouri, and the returns stood two hundred and thirty-four electoral votes for Harrison and thirty-four for Van Buren. Alabama, Arkansas, and Illinois were then in doubt, and in South Carolina electors had not been chosen; but each chose Van Buren electors and raised his electoral vote to sixty, and the number of States he carried to seven.

On the second Wednesday in December the electoral colleges met in all the States. In Virginia one Democratic elector voted for James K. Polk for Vice-President; in South Carolina the entire college voted for Littleton W. Tazewell; in the other Van Buren States the votes were cast for Richard M. Johnson for Vice-President.

Stung by defeat the Democratic press from one end of the country to the other now gave vent to its disappointment in an outburst of unseemly rage. "The standard bearer of the Federalist and Abolition party," it was said, "has been elected, if the process by which this has been brought about may be called an election. It was a hollow mockery, a result produced not by the action of the popular will, but in spite of it." *

"For the first time in the history of the Republic the power of money has triumphed over intelligence. Democracy has been beaten by a new description of voters, some having flesh and bones and others mere men of straw. The former raked and scraped from the jails and penitentiaries had been gathered at the log-cabin rendezvous and organized for action. The latter were the pipe layers, the illegal voters, the fraudulent voters trained to perpetuate fraud by voting twice, changing their names and dress, going to different polls, putting in two votes and using every device the ingenuity of

* The Globe, November 9, 1840.

man could devise.* The Bourbons are restored! Let the people, the real betrayed people, prepare for the new reign of terror that is approaching. For the first time since the adoption of the Constitution a Democratic President has been defeated when placed before the people. Painful and mortifying as the reflection is to the mind of every true patriot, discouraging as it must be to the advocates of popular liberty, fatal as it may be to the stability of our Government, we trust in Heaven that the obsequiousness to wealth that has marked the conduct of those who have turned the scale against us will not become habitual with any great portion of the true people. As a lover of freedom and good order, an ardent advocate of the supremacy of sober thought over noise and senseless mummery, we sincerely hope the political buffoonery of 1840 will ever stand, solitary and alone, on the page of history, a damning stain on the brow of Federalism. No more may the world see coons, cabins, and cider usurp the place of principles, nor doggerel verse elicit a shout while reason is passed by with a sneer.† Our contempt is increased for Federal Whiggery and its election paraphernalia. We detest its principles, scorn its treachery, and defy its power. Does it follow that because a majority of the electors have declared against the candidates of the Democratic party, the principles of Federalism are correct? Can success sanctify error or transform wrong into right? injustice into equity, falsehood into truth, special privileges into equality, or aristocracy into Democracy? Far, very far from it. Had we been beaten, in a fair field, by such men as Webster or Clay, by manly argument, we should feel but half the mortification we do at being beaten by such a man as Harrison. And in such a fashion! We have been sung down, lied down, drunk down." ‡

"The contest of 1840," said a Whig journal, "is over. The victory is won. The people are free again. Our Republican institutions are redeemed from the grasp of tyrants. Let the people, the whole people, rejoice." # "The morn of a real political reformation is at hand. We hail the election

* The Globe, November 11, 1840.
† New Era, November 9, 1840.
‡ Wheeling Times.
# Lexington (Virginia) Gazette.

of General Harrison as a most auspicious assurance of the future prosperity and happiness of our country. The sagacity and virtue of the American people are not mere empty names." * At length we can confidently congratulate the friends of reform, lovers of law and order, supporters of Constitutional Government, on the success of the great cause of civil liberty in this country." † "The nation is redeemed. The sun has set on Martin Van Buren and risen in all its moral splendor on William Henry Harrison. The consummation so devoutly to be wished has been gratified." ‡ "The arrogant party which, but a short time since, set itself above all sympathy with the people, declared that the Government was bound only to take care of itself and that the people must take care of themselves, is now a miserable minority." # "We confidently believe that General Harrison will realize the wishes and expectations of the real Whigs and his true friends; that he will serve but one term, will not remove honest and competent men from office for party reason, will not appoint members of Congress to office, nor permit the patronage of the Government to interfere with the freedom of elections." △ "The election is a great triumph of principle over power, of liberty over despotism, of right and justic over wrong and oppression, of prosperity and happiness over fearful and widespread ruin and desolation. A great people have placed their seal of condemnation upon a band of the most desperate, aspiring, and unprincipled demagogues that ever graced the annals of despotism, a band of bold and reckless innovators calling themselves the democracy of the land, at whose head was Martin Van Buren, a monarchist in principle, a tyrant and a despot in practice." ◊ "It is not to be expected that a victory so important in its results, so signal and complete, should be passed over without public demonstrations of joy. It is right that we should rejoice; but let us rejoice like men and Christians." ↕

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* Savannah Republican.
† Bangor Whig.
‡ Providence Journal.
# New Haven Register.
△ Green River (Kentucky) Gazette.
◊ Toledo Blade.
↕ Newark Gazette.

"For two years past," said a newspaper which claimed to be neutral, "the most ordinary operations of business have been neglected and President-making has become every citizen's chief concern. The result being uncertain, some have been afraid to engage in new enterprises, others have retired from business, others have not dared to prosecute their business with the old vigor. Millions of dollars will now change hands on election bets; millions of days have been taken from useful labor to listen to stump orators, and millions more to build log cabins, erect hickory poles, and march in ridiculous, degrading, mob-creating processions; millions of dollars have been wasted in soul and body destroying intemperance, in paying demagogues for preaching treason and bribing knaves to commit perjury and cast fraudulent votes. However high the hopes inspired by the election of General Harrison they will prove to be delusive. A national bank cannot be created; the sub-treasury cannot be repealed; the momentary expansion and speculation which the hope of these measures will create will be quickly followed by contraction, by ruin, and the prostration of the speculators." *

* Public Ledger, Philadelphia.

CHAPTER LXX.

THE QUARREL WITH TYLER.

A WEEK after the meetings of the electoral colleges, and while the Whigs were still rejoicing over their signal triumph, both Houses of Congress secured quorums and listened to the reading of the President's message. After the usual summary of our foreign relations Van Buren passed in review the financial history of the country since the day he became President. He congratulated the people on the sound state of their finances and on the success with which embarrassments, seemingly insurmountable, had been overcome, and pointed with pride to the fact that, despite the distribution of the surplus revenue, the suspension of specie payments, and the evil which sprang from an excess of commerce and banking; despite the loss of two and a half millions of revenue by two reductions in rates under the tariff of 1833; despite the expenditure of five millions under the Cherokee treaty, and of fourteen millions on the Seminole war, and three millions on public buildings, every demand on the Government at home or abroad had been promptly met without resort to additional taxation, or the creation of a dollar of permanent debt.

Freedom from debt led him to dwell at some length on the evils of a national debt; on the tendency of public securities to concentrate in the coffers of foreign capitalists; on the pretext which this afforded foreigners to scrutinize our domestic affairs, if not actually to meddle in them; and on the inevitable tendency of a national debt to grow in volume, foster extravagance, and lead to oppressive taxation. He re-

stated his opposition to a national bank, praised the working of the independent treasury system, and congratulated his fellow citizens that the Government was no longer dependent on corporate bodies either in raising, collecting, safe-keeping, or distributing the public revenue.

A steady adherence to the wise policy which had produced such happy results, when aided by judicious State legislation, and the thrift, enterprise, and perseverance of the people, could not fail to bring to the whole country solid and lasting prosperity. But it was for the people to decide whether the financial affairs of the Government should be administered according to this policy or carried back to that which in the past had produced the expansions and contractions of the currency, the reckless abuse of credit from which the country had so deeply suffered. The choice, he hoped, would be wisely made.

In the opinion of Clay the choice had been made, the people had spoken, and nothing now remained but for Congress to obey instantly. Before the session was forty-eight hours old he brought forward two Whig measures of much importance; the one, a resolution calling for full details as to the receipts of public-land sales since June twenty-eighth, 1828; the other, a resolution that the act establishing the independent treasury ought to be repealed and that the Committee on Finance be instructed to report a bill accordingly.

It was not his intention, Clay said, when speaking on his resolution to repeal the sub-treasury act, to argue the question. He would as lief argue to a convicted criminal, with a rope about his neck and the cart about to leave his body, to prove to him that his conviction was according to law and justice, as to prove that the sub-treasury ought to be abandoned. The nation wills the repeal of this measure, said he; the nation decrees the repeal of this measure, the nation commands the repeal of this measure, and the Representatives from nineteen States have been sent here instructed to repeal it. There might be disputes about some of the results of the election, but on one point it was impossible there could be any diversity of opinion, and that one point was that the nation, by one of the most tremendous majorities ever given

MAP
SHOWING IN FIVE DEGREES OF DENSITY,
THE DISTRIBUTION WITHIN THE TERRITORY
EAST OF THE 100TH MERIDIAN
OF THE
POPULATION OF THE UNITED STATES
excluding Indians not taxed.
Compiled from the Returns of Population
at the Sixth Census. 1840.

NOTE
☉ *Center of Population* 39°02′ N. 80°18′ W.

BORMAN & CO., N.Y.

in our annals, had decided against the sub-treasury measure. The President might disregard this command; but he knew well that after March fourth, 1841, the sub-treasury would not last longer than a Congress could convene and a new President could sign a repeal bill.

Wright, of New York, answered Clay. The Senator, he said, seemed deeply impressed with the results of the election. Yet there had never before been a time when the dominant party declared no principles, avowed no measures, had no policy. How had the Senator ascertained that the result of the late election was a condemnation of the sub-treasury? If the result could be claimed to prove anything, it proved that they were to take down the splendid edifice in which they sat and erect a log cabin in its place; that instead of the rich draperies and valuable pictures before them, they should hang around the chamber coon skins, cat skins, and other trophies of the chase. Against the popular decision made at the late election he should not utter one word; but he was not ready to admit that the popular voice had condemned the sub-treasury, and called on Clay to state what he proposed to put in its place, a question to which Clay replied, "Sufficient unto the day is the evil thereof." To the charge of Wright that the party was without principles, Clay asked if the Senator did not know that Whigs were against the sub-treasury, against the extravagance of the downfallen administration, against the fearful usurpations of executive power, and in favor of retrenchment, economy, and a sound currency.

Calhoun declared the real issue was the sub-treasury or another bank of the United States. That question he would not argue. The country had been greatly excited. There ought to be a calm that the people might think over the whole affair. When General Harrison came into office it would be time enough to debate the issue. Another Senator moved, as a substitute for Clay's resolutions, a set which declared that the financial policy of the fathers as embodied in the acts of July thirty-first and September second, 1789, was in strict accordance with the principles of the Constitution, that in a long series of public acts these principles had been departed from, that it had at last been restored by the sub-treasury law,

and ought to be adhered to, and that the Government ought to collect no more taxes than were absolutely necessary to an economical administration of affairs, ought not to loan its money to corporations, and ought to receive and pay as money nothing but that which is made legal tender by the Constitution.

The resolution of Clay was then laid on the table, and, when a month later he moved to take it up, the motion was lost by a majority of one, and the resolution laid on the table by a majority of two.

Clay's resolution regarding the public lands, which he intended should be followed by another distribution bill, was at once met by Benton, who offered what the Democrats named, The Log Cabin Bill. It provided that after its passage, every head of a family, every widow, every single man over the age of eighteen, who should make a permanent settlement on any of the public lands, surveyed or unsurveyed, and should inhabit and improve the same, "and raise a log cabin thereon," should be entitled to a preëmption of one-quarter section, to be paid for at the minimum price. Clay, of Alabama, followed this with a bill providing for the reduction and graduation of the price of public land, and the issue between the distribution policy and the settling policy was distinctly raised.

The great feature of The Log Cabin Bill was that it proposed to establish a "permanent prospective preëmption system." Here was a radical departure from old-time policy, for never before had Congress enacted a preëmption law which was not retrospective in operation, or was not limited as to time. But the proposed law was prospective, and was to run as long as a foot of the public domain existed, and proclaimed to the foreigner and the native, to the naturalized citizen or the just-landed alien, that the moment the Indian title to any portion of the public domain was extinguished, he or she might rush in and preëmpt one hundred and sixty acres.

During the debate on the merits of the bill the Whigs argued that if it became law it would encourage intrusion on the public lands; would give the right of preëmption to

minors; would bestow on aliens the same rights and privileges that were enjoyed by native-born or naturalized citizens; and moved to recommit it with instructions to report it with amendments providing for a distribution of the proceeds of the sales of public lands among the States. This attempt to destroy the bill by tacking on Clay's plan of distribution aroused Calhoun, who moved, as an amendment, his bill of last session, which provided that all the public lands in nine States in the Mississippi Valley, save certain reservations for forts, dockyards, and arsenals, should, on the thirtieth of June, 1842, be ceded to the States within whose limit they were; that they should be sold by the receiving States, and that fifty per cent of the money obtained from such sales should be paid to the United States.

Three plans for disposing of the public domain were thus before the Senate: that of Benton for the establishment of a permanent prospective preëmption system; that of Clay for the sale of the lands, and the distribution of the proceeds; and that of Calhoun for the cession of the lands in nine States to the States in which they were.

To the advocates of cession the plan of Calhoun seemed far the best of all, and the only one that could put at rest the long-vexed question of the disposal of the public lands. It would, they said, reduce the patronage of the Government by relieving it of a host of officeholders, shorten the sessions of Congress by lessening the business one-third, put the new States on the same footing with the old by removing their dependence on the Federal Government, which owned two-thirds of the territory within their bounds, and, what was quite as important, would end the long dispute between the new States and the old over the disposition to be made of the public domain.

Compared with the distribution bill the merits of the cession bill were equally conspicuous. The one applied to the whole region from the Allegheny Mountains to the Pacific Ocean, the other to the nine new States; the one provided for a gift to the States of the proceeds of all the public-land sales, the other for a conditional sale of but one-sixth of the public domain; the one would not bring a cent to

the federal treasury, the other would yield a revenue, small in amount, but not to be despised. Argument was in vain; the amendments were rejected and the bill passed and went to the House, where it never came up for consideration.

The refusal of the Senate to consider the question of the repeal of the Independent Treasury Act; the rejection of Clay's plan for a distribution of the land sales; the passage by it of the Log Cabin Bill; the fact that on July first the screw, as it was said, would turn again and the Government demand the payment of one-half of all duties, taxes, imports, and land sales, in specie; and the existence of a deficit for which the Democrats would make no other provision than to authorize another issue of due-bills or treasury notes; all these things now forced to the front the question of an extra session.

On this the great Whig journals were divided. Some objected to the cost it would entail on the already depleted treasury; some pointed out that in many States special elections of Representatives to the next Congress would have to be held. Others believed that the people had decided the question; had willed a change of administration, a change of policy, a change in the measures of Government; that such a change could be carried out only by a Whig President and Congress, and that unless carried out as speedily as possible after the fourth of March the effect would be to continue the administration of Van Buren till the early months of 1842.

In Congress a small body of Whigs were opposed to a special session, and voted for the bill authorizing the issue of treasury notes, in the hope that it would provide the administration with sufficient means to carry on the Government till December. But Clay was determined that his favorite policy should be put into effect without delay, and by the middle of February it was generally admitted that a called session was necessary, and that the blame for this should be laid on the Democrats.

In the closing days of Van Buren's term the President and the Senate were guilty of some appointments which the Whigs declared came with an ill grace from the followers

of Jefferson. That great man had complained bitterly of the midnight judges appointed by John Adams in the last hours of his term, had treated the offices as vacant, had ignored the appointees, and had withheld their commissions. But now, after a lapse of forty years, when the party which Jefferson had led to victory was about to lay down the reins of Government, a Democratic President repeated the political tactics for which Jefferson had condemned Adams.

On the morning of February twenty-fifth Justice Barbour, of the Supreme Court, was found dead in his bed by a servant who went to summon him to breakfast. According to the principles laid down by Jefferson the vacancy thus created should have been left for Harrison to fill. But the dead Justice had not been committed to his grave when Van Buren nominated, as his successor, Peter V. Daniel, of Virginia. No action was taken by the Senate till the evening of March second, when the nomination came up for consideration, and confirmation was bitterly opposed by the Whigs. They would, it was said, have consented to the appointment of such a Democrat as Henry St. George Tucker or John Y. Mason; but to that of such a bitter partisan, such a narrow-minded, party-warped man as Daniel, never. A motion was therefore made to postpone consideration till the next day, when confirmation could easily have been defeated by talking till midnight, at which hour, according to usage, the term of the twenty-sixth Congress would end. This was defeated, as was a motion to refer the matter to the Committee on the Judiciary, whereupon, finding the Democrats determined to act at once, Clay took up his hat and, bidding the President *pro tem* a formal good night, marched out of the chamber followed by all the Whig Senators save two.

There was then no quorum; so the sergeant-at-arms was sent in search of the absentees, and to summon the Whigs to return. The latter refused; but about midnight a bare quorum was secured with the help of the two Whigs who remained, and the nomination of Daniel was confirmed.*

Another midnight judge was Philemon Dickerson. More

* Journal of the Senate. Appendix. The Globe, March 5, 1841. The Log Cabin, March 13, 1841.

than a year and a half before this time the bench of the District Court of New Jersey having become vacant, Van Buren wished to appoint Dickerson to the judgeship. But his election to Congress, under the decision of the House in the Broad-Seal War, made it necessary that he should hold his seat, and the place was given to his brother Mahlon to keep for him. On the last day but one of Van Buren's term Mahlon Dickerson accordingly resigned; the President at once nominated Philemon, the Senate promptly confirmed him, and March third, a few hours before the end of the session, he resigned his seat in the House of Representatives.

At noon on the following day Harrison and Tyler were sworn into office with all the customary mummery. The streets were gay with flags, a long procession accompanied the President and the President elect to the east portico of the Capitol, where, in the presence of a crowd of joyous Whigs and expectant officeseekers, Harrison read his inaugural.

Of all the inaugural addresses ever delivered from that historic spot that to which the people listened on the fourth of March, 1841, is the most curious. The duty of revising it fell on Webster, of whom the story is told that on returning to his lodgings after finishing the task, the mistress of the house remarked that he looked tired, and asked if anything had happened. "You would think that something had happened," said Webster, "if you knew what I have done. I have killed seventeen Roman proconsuls."

Many old Romans, however, managed to escape, and enough was said concerning the doings and opinions of Roman consuls and Roman citizens, of the first Roman Emperor, of Cæsar and the Roman Knight, of Octavius, Antony, Brutus, the Curtii, the Decii, Camillus, and the Scipios, of the leading States of Greece, and of the Helvetic confederacy, to make the inaugural a striking illustration of the sort of classic learning so fashionable when Harrison was young. Mingled with these allusions were re-statements of his views on such old issues as the one term, limitation of the powers of the Executive, the proper exercise of the veto,

and an exclusively metallic currency. But the living issues in which the people felt a deep concern were passed unnoticed. Not a word was said for or against an extra session, a national bank, or on the proper means of restoring the currency to soundness. On the independent treasury, the public lands, assumption of State debts, a general bankrupt law, the tariff, and our relations with Great Britain, the President was silent. Abolitionists, indeed, were told that the attempt of citizens of one State to control the domestic institutions of another could end in nothing save disunion, violence, and civil war; but no other of the grave topics before the people received attention.

The inaugural ceremonies over, the Senate met in executive session and confirmed the appointments, and the struggle for office became fiercer than ever. Harrison began the formation of his cabinet by tendering the Department of State to Clay, and when it was declined, offered Webster a choice of the State Department or the Treasury, and the former was chosen. Thomas Ewing was then selected to be Secretary of the Treasury, John Bell to be Secretary of War, John J. Crittenden to be Attorney-General, and Francis Granger, Postmaster-General, an appointment made, the Democrats declared, in recognition of the support which the Abolitionists had given to the Whig ticket.

The new Secretaries having taken office the distribution of the spoils began. For years past the opposition party had bitterly denounced "proscription," and had called loudly for some restraint on the power of removal. But the election had no sooner been decided than every leader of influence in the Whig party was beset with demands for office. Clay, who refused to make any nominations, declared that if there were forty-eight hours in a day he would not have time enough to attend to all the applicants.* Bell, early in January, was overwhelmed with "the increasing tide of applications from new quarters that daily beat against" his "ears." † Crittenden wrote that nothing short "of a mira-

* Clay to Brooke, February 5, 1841. Private Correspondence, p. 451.

† Bell to Governor Letcher, January 13, 1841. Coleman's Life of J. J. Crittenden, vol. i, p. 136.

cle could so multiply our offices and patronage as to enable us to feed the hungry crowd that are pressed upon us." * A serious effort, however, was made to feed them, and collectors of customs, surveyors of the ports, postmasters, land agents, keepers of lighthouses, marshals, and district attorneys were removed by scores.†

While the Secretary of the Treasury, the Postmaster-General, and the Attorney-General were thus contending with hungry officeseekers, Harrison issued a proclamation, summoning Congress to meet in extra session on the last Monday in May, and bade Webster request the heads of departments to notify all officeholders that partisan interference with State or Federal elections, or the payment of contributions, or assessments on salaries for party or election purposes, would be good ground for removal from office.

One week from the day on which this circular was issued Harrison was stricken with pneumonia, and early on the morning of April fourth he died.

Never before in our history had a President died in office, and a Vice-President been called to assume the duties of the Executive. The situation was new, and for a time some doubt existed as to what Tyler should be called. The Secretaries, when officially announcing the death of the President, addressed him as Vice-President; ‡ John Quincy Adams declared that he should be called "Vice-President acting as President"; Clay referred to him as nothing better than Regent; but the press and the people regarded him as President, and such he called himself.

The question which concerned both parties, however, was what sort of a Whig President Tyler would be. "The summer now upon us," it was said, "bids fair to be one that will long be remembered in our annals. The death of Harrison; the accession of Tyler; the called session; the first meeting of a Whig Congress; the message of the President and the

* Crittenden to Governor Letcher, March 14, 1841. Coleman's Life of J. J. Crittenden, vol. i, p. 140.

† The Globe gives a whole page in several issues to the publication of a list of the removed.

‡ Globe, April 5, 1841. Tyler was not in Washington when the President died.

Report of the Secretary of the Treasury developing the policy of the new administration; the probable action of Congress on the great questions of the tariff, the public lands, the bankruptcy bill, and the currency, cannot fail to make the summer of 1841 a memorable one."

And what, it was asked, will be the attitude of Tyler toward these great public issues? "John Tyler," said the Democratic journals, "is a Virginian; a man with principles he dare avow and dare maintain, and these principles are the opposite of those entertained by Webster. On the issue of bank or no bank Tyler has ever been ultrademocratic. He opposed the second bank through all its existence, voted for the *sciare facias* in 1819, and sustained the veto in 1832. On the tariff and internal improvements he has gone with his party and beyond his party. Of the land bill he has been a steady opponent; and he has been the enemy of the paper system, and of abolition, and is against proscription. But he is surrounded by a cabinet opposed to him at every point. To be consistent, he will have to veto every measure for which the extra session is called. If he does he will have to rely on Jackson and Van Buren Democracy to sustain his vetoes of the tariff, the bank, and the land bills. What will he do? Will he throw himself into the arms of the Whigs, retain the present cabinet, and take council of the Federalists Badger and Webster; or will he rally round his ancient faith, and uphold the strict construction of the Constitution and the State-Right principles of Virginia? We know not; but this we do know, that no man now enjoys a greater opportunity for distinguishing himself than John Tyler. What a spectacle would be presented if some proud and principled Virginian, fixed in his faith, stern in his principles, iron in his nerves, some man like George Mason, or the high-minded and determined John Tyler, Sr., were, at this momentous era, to be placed at the head of affairs! How would such a spirit stamp itself on the age, by guarding the Constitution, preserving the Union, and saving the people from the usurpation of a moneyed monster. Is it highly improbable, therefore, that the day is near when there will be a reorganization of the cabinet, and a new policy of Govern-

ment developed? Let him but take his own stand, let him not be deluded by the insinuating suggestion that he may catch the mantle of Elijah; let him but put into action the Democratic principles which first brought him into favor in the old Dominion; let him not be the mere mouthpiece of the giant of Hartford convention Federalism, and John Tyler cannot fail to be respected." *

While the Democratic journals were thus advising Tyler as to the course he should pursue, he issued an address to the people, and vaguely stated his views. He was for rigid economy in public expenditures, and the abolition of all sinecures, for a complete separation of the purse and the sword, the regulation of the patronage of the Executive, and would remove no faithful incumbent, except for active partisanship. He would sanction any measure of Congress having for its object the restoration of a sound currency.

While still in ignorance of this address Clay wrote to Tyler for an expression of views on the current issues, and was told that it was not to be expected that the President should come before Congress with matured plans of public policy with regard to deeply interesting and intricate subjects. But the repeal of the sub-treasury act, additional burdens for the relief of the Treasury, and the defense of the country against invasion should undoubtedly receive immediate attention. There, he thought, legislation might stop; but it was for Congress to decide whether other measures should receive attention. If the annual appropriation for rivers and harbors was abandoned he would favor a distribution of the proceeds of sales of the public land. A bank he would not have urged prematurely, for the public mind was in a state of great uneasiness with regard to it. He would submit nothing to Congress on this subject, but would leave it to its own action. If Clay saw no force in his objections to the consideration of the bank question at the present time, then he wished him to consider if he could not so frame a bank as to remove all constitutional objections.†

* Globe, Richmond Enquirer, New York Herald.

† Tyler to Clay, April 30, 1841. Letters and Time of the Tylers. L. G. Tyler, Vol. III, pp. 93–94.

There were other matters, however, with which the incoming administration would have to deal that were far more serious than the repeal of the sub-treasury act, the distribution of the land sales, the question of a national bank, or a revision of the tariff. Our relations with Great Britain had reached a crisis, and to more than one impartial observer the two powers seemed on the verge of war. The ill feeling produced by the long-standing dispute over the northeastern boundary, over the unatoned outrage on the *Caroline*, over the conduct of the British in Oregon, had been greatly inflamed, during the last few months, by the searching of our vessels on the African coast, by her unwarranted interference in the affair of the *Amistad*, and by her summary demand for the immediate release of a British subject who had fallen into the clutches of the law.

In the summer of 1839 Lieutenant-Commander Gedney, when off the eastern end of Long Island in the United States ship *Washington*, observed a suspicious-looking schooner lying in shore, stood in to examine her, and seeing horses, wagons, and a crowd of people on the beach, and a boat passing to and fro between the vessel and the shore, he seized her as a smuggler.

The vessel proved to be the Spanish schooner *Amistad*, which left Havana late in June, bound for Guanaja near Porto Principe, with negro slaves, some merchandise, and two white passengers. When four days out the negroes rose, murdered the captain and three of the crew, and took possession of the vessel, but spared Pedro Montes and José Ruiz, owners of the slaves, on condition that they sailed the ship to Africa.

Then began a remarkable voyage. When the sun or the moon was shining Montes sailed the ship eastward, but when neither sun nor moon was visible he sailed northward. After beating about in this way in the Bermuda channel, and stopping at St. Andrews and the Green Keys, the *Amistad* came in sight of the Long Island coast, hovered off it for a few days and then put to sea, and during two months sailed back and forth, going eastward when the navigator had to, westward when he could. Again and again she was sighted,

and on one occasion a schooner remained twenty-four hours lashed alongside. About the middle of August the *Amistad* had come so far westward that she was hailed by pilot boats from New York City. Once more forced to go eastward the *Amistad* made Montauk light, and was steered for it in the hope of running ashore. But the tide swept her up the sound to the place where the *Washington* overhauled her.

The negroes on board were seized, those on the beach were forced to come aboard, and the *Amistad* was taken into New London. An express was sent to the United States Marshal at New Haven, the District Judge was informed, a judicial investigation was held on board the *Washington*, and the negro leader, Cinque, and thirty-eight followers charged with piracy were committed for trial before the Circuit Court, to be held at Hartford in September. Three girls and a cabin boy were sent to the county jail, there to be held as witnesses.

As yet the negroes had been without counsel; but, at a meeting of a few Abolitionists in New York, a committee was appointed to collect money, employ counsel, find an interpreter, and look after the case of the African captives. An interpreter was obtained by Professor Gibbs, who visited a British armed brig, lying in New York Harbor with a number of slavers she had captured off the coast of Africa, and on the brig found two men whom he thought spoke the language of the captives. With the permission of the commanding officer they were taken to New Haven, where, to the delight of the committee, they had no difficulty in speaking with the prisoners.

The question of the status of the blacks, meantime, was growing complicated. Lieutenants Gedney and Meade promptly libeled the schooner and cargo for salvage. The Spanish minister demanded that the *Amistad*, with every article found on board at the time of capture, be delivered to her owners; asserted that no tribunal in the United States had a right to hold Spanish subjects for crimes committed on a Spanish vessel, in Spanish waters; and requested that the negroes be sent to Havana, and that, if any delay occurred

in the delivery of ship and slaves, the owners should be indemnified.*

The Marshal filed a libel in the District Court on behalf of the United States, alleging that the Africans were claimed by Spain, and that they had been illegally imported against the act of 1819. Captain Green, of Long Island, had put in a claim for salvage; Montes had filed a claim against part of the cargo and the three girls and the boy as his property; Ruiz had filed a libel for the rest of the property and the remainder of the slaves, and the heirs of the dead captain had laid claim to the schooner and part of the cargo.

When the Circuit Court opened at Hartford the judge charged the jury that if the alleged crimes of murder and piracy had been committed, they were done on a Spanish vessel, and were not cognizable in our courts. The Circuit Court having adjourned, the District Court was opened, and the judge announced that to settle the question of jurisdiction he should send the United States Attorney in a revenue cutter to find out just where the capture of the *Amistad* took place, and that the Court would adjourn till November, and that the prisoners were remanded to the jail in New Haven.

An adjournment of the District Court, when it met in November, carried the case over to January, 1840. When the case was about to come before the Court the Spanish minister applied to Secretary Forsyth for the use of a vessel in which to send the Africans to Cuba, in case the Court should decide in favor of the claim of the United States. That no time might be lost in getting the negroes out of the country the Secretary of the Navy, at the request of Forsyth, sent the schooner *Grampus* to anchor off New Haven.† Van Buren issued an executive order to the Marshal commanding him to deliver the negroes to the commander of the *Grampus*,‡ and Forsyth bade the District Attorney see that the order of the President was carried into execution. "Un-

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* Calderon to Forsyth, September 6, 1839.

† Executive Document 185, 26th Congress, 1st Session, p. 47.

‡ Ibid., p. 48.

less an appeal shall actually have been interposed, you are not to take it for granted that it will be interposed." *

When the decision was handed down it was the United States, and not the friends of the negroes, that appealed. After hearing argument the Court decided that the capture was made on the high seas, and that the Court had jurisdiction; that Gedney was entitled to salvage on the vessel and goods, and that one-third of the appraised value would be sufficient. This brought up the question, May salvage be allowed on the slaves? His Honor held that there was no law either of the United States or of Connecticut by which a title could be given to the slaves, that they could not be sold, and that their value in the district of Connecticut was not one cent. The claim of Green that he had taken possession of the vessel was next dismissed, whereupon the Court took up the question, Shall the slaves be delivered to the Spanish Government on the demand of her minister as the property of Montes and Ruiz? If not, what shall the Government of the United States do with them? His Honor found that the law of Spain forbade the importation of negroes from Africa into Cuba; that the negroes in question, save one, had been imported contrary to this law, were therefore free, and not the property of Spanish subjects. The boy, Antonio, being a Creole, born in Spain, should be restored under the treaty of 1795. As to what should be done with the others an Act of Congress, passed March 3, 1819, required that the President should send them back to Africa, and so it was ordered.†

From this decision the United States District Attorney

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* Forsyth to Holabird, January 12, 1840.

† The African Captives. Trial of the Prisoners of the Amistad on the Writ of Habeas Corpus, before the Circuit Court of the United States, for the District of Connecticut, September Term, 1839.

Executive Document 185, 26th Congress, 1st Session, Africans taken in the Amistad.

A history of the Amistad captives, also an account of The Trials had on their cases before the District and Circuit Courts of the United States for the District of Connecticut, Jno. W. Barber, 1840.

Discussion of the decisions of the Courts appear in the National Intelligencer, November 22; December 9, 13, 1839; January 10, 1840.

appealed. But the Circuit Court which sat at New Haven, in April, approved the decision of the District Judge *pro forma*, in order that a final appeal might be taken to the Supreme Court of the United States, which was to sit at Washington, in January, 1841. Great Britain now interfered, and through her minister informed Forsyth that her Majesty's Government was well aware that the negroes were imported into Cuba, from Africa, in a Portuguese ship in the summer of 1839; that they were purchased at Havana as slaves, by Ruiz and Montes, and were put on board the *Amistad* as slaves to be carried to another port of Cuba, a most unlawful act. Twenty years back Spain, in compliance with her treaty of 1817, forbade the importation of negro slaves into any part of her dominions. Moreover, the United States and Great Britain, by the treaty of Ghent, had agreed to use their best endeavors to suppress the African slave trade. Her Majesty's Government hoped, therefore, since these unfortunate Africans had been thrown into the hands of the United States, that the President would take such measures as should secure to them the liberty to which, without doubt, they were entitled.*

Forsyth, regarding the note as prompted by benevolence, under which aspect alone, he said, could it be entertained by the United States, reminded Fox that the President had neither the power nor the disposition to control the proceedings of the courts, and hinting that the slaves would probably be delivered to Spain and taken back to Cuba, referred him to that country as the place "where a full opportunity will be presented to the Government of her Majesty, the Queen of Great Britain, to appeal to treaty stipulations."

In this supposition Forsyth was mistaken. The case came on in February. John Quincy Adams defended the negroes, and Justice Story delivered the opinion of the Court, which sustained the lower Court in all points save one. The negroes, it decreed, need not be returned to Africa.

At any other time the note of the British minister, appealing to the President to interfere in a matter before a

* Fox to Forsyth, January 20, 1841.

court, extraordinary as it was, would have called forth little more than passing comment. But it was written at a time when Great Britain was calling, in a summary manner, for interference in another case before the courts, and threatening war in case of an adverse decision.

On the night when the *Caroline* was captured and burned at Schlosser, an American named Amos Durfee was shot and killed. Who fired the shot no one knows; but in the autumn of 1840, a Canadian named Alexander McLeod crossed the border and boasted over his cups in the taverns that he was the slayer of Durfee. He was taken at his word, was arrested at Lewiston, N. Y., examined before a magistrate, and committed to the Lockport jail till he should find two sureties of twenty-five hundred dollars each for his appearance at Court to answer the charges of murder and arson. After some delay sureties were found, and McLeod was released on bail; but no sooner was this done than the crowd which had gathered about the Court took possession of the room, organized a meeting, sent a committee to see the judge, demanded that the sureties should withdraw from the bond, and dispatched a messenger to Buffalo to summon the owner of the *Caroline* to come at once to Lockport and institute a suit for damages should the Court insist on liberating McLeod on bail.

Thus forced by popular demand the sureties withdrew, McLeod went back to jail, and in February was indicted by a grand jury to stand trial in the Court of Oyer and Terminer for Niagara County.*

McLeod's arrest created great excitement on both sides of the border, and particularly in Canada, where the people of Niagara district petitioned the Lieutenant-Governor to interfere, and were informed that steps had been taken to secure his release.†

These steps consisted of a notification to the British minister at Washington, who, early in December, complained to the Secretary of State and called upon the Government "to take prompt and effectual steps for the liberation of Mr.

* Buffalo Advertiser, January 28, 1841. Log Cabin, February 6 1841.

† Buffalo Advertiser. Niles's Register, October 10, 1840.

McLeod." It was "well known," Mr. Fox asserted, "that the destruction of the steamboat *Caroline* was a public act of persons in her Majesty's service obeying the orders of their superior authorities"; that it could not for this reason be made the ground for legal proceedings; and that it was "quite notorious that Mr. McLeod was not one of the party engaged in the destruction of the steamboat *Caroline*." He hoped, therefore, "that the President's Government will see the justice and the necessity of causing the immediate release of Mr. McLeod." *

Forsyth answered that the offense with which McLeod was charged had been committed within the territory and against the laws and citizens of the State of New York; that it came within the jurisdiction of her tribunals; that the jurisdiction of each State in the Union was, within its proper sphere, perfectly independent of the Federal Government, and that any interposition would be improper. The question of McLeod's absence from the scene of the offense, at the time it was committed, could be settled by legal evidence. If the destruction of the *Caroline* were a public act, done under authority, the Government of the United States had never before been so informed, and it would be for the Court before which McLeod was to be tried to pass on its validity.†

Fox could not but foresee "grave and serious consequences" if to the injury already done McLeod was added any further harm "in the progress of this extraordinary proceeding." The *Caroline* "was a hostile vessel engaged in piratical warfare against her Majesty's people." The place where it was destroyed, it was true, "was nominally within the territory of a friendly power; but the friendly power had been deprived, through overbearing piratical violence, of the use of its proper authority over that portion of territory." ‡

Forsyth answered that as full evidence of the outrage had been presented to her Majesty's Government with a demand for redress, no discussion of the circumstances would

* Fox to Forsyth, December 13, 1840.

† Forsyth to Fox, December 26, 1840.

‡ Fox to Forsyth, December 29, 1840.

be useful or proper, and so took leave of the subject.* A few days later the House sent the correspondence to the Committee on Foreign Relations, from which in time came a sensational report.

After briefly stating the facts in the case, the committee reviewed what it considered the offensive language of the British minister. He had described Schlosser as "nominally" within the territory of the United States. To this insinuation the committee retorted that Navy Island was nominally within the British territory; for the men there gathered had as effectually defied the authority of Canada as the men at Schlosser had disregarded that of the United States. The British minister had further been pleased to call the *Caroline* "a piratical steamboat." The loose epithets of anyone, however high in place, could not make that piracy which was not so recognized by the law of nations. Pirates were freebooters, enemies of the human race, ravagers of every sea and every coast, men with no home and no flag. Were the men on the *Caroline* such as these? At worst they were but aiders and abettors of rebellion, and the committee was at a loss to know on what authority rebellion became piracy. Suppose a British vessel was cut from the banks of the Thames and burnt by Frenchmen, and British subjects assassinated by night, and suppose the French minister were to avow that they had acted under the orders of his Government, and that the vessel was a pirate, and the murdered men outlaws, would not the heart of every Englishman beat high to avenge the outrage? Had this been the first and only collision with Great Britain it might not have aroused such interest; but in most of our intercourse with her there had always been "an assumption revolting to the pride and spirit of independence in a free people." We had moreover other matters of dispute with Great Britain. The northeastern and northwestern boundaries were still unsettled; she had recently seized our vessels on the African coast, and exercised the right of search; and had refused indemnity for slaves cast upon her coast and set free by her authorities.

* Forsyth to Fox, December 31, 1840.

All these issues made every question between the two countries at that "peculiar juncture of the deepest interest." Great Britain presented to the civilized world the spectacle of the greatest combination of military and commercial power ever known. Her military occupation of Gibraltar, Malta, and the Ionian Isles gave her control of the trade of the Mediterranean and the Levant; St. Helena and the Cape of Good Hope made her master of the commerce along the African coast; Bombay and Calcutta, her immense possession in the East Indies, and her recent movement in the China seas spread her power over the commerce of the East; Trinidad dominated the Caribbean Sea; Falkland Island put her in control of the trade that passed around the Horn; while Halifax at one point and Bermuda at another threatened our whole Atlantic seacoast. Avarice and ambition were the ruling passions of the hour, and it behooved the people of the United States not to shut their eyes to the state of things around them. No temptation should lead them to be unjust; no consideration should induce them to submit to wrong "from any power on earth no matter what the consequences may be."

To the Whigs the report seemed a deliberate attempt on the part of the Democrats to inflame the people against Great Britain, bring the two countries to the verge of war, and throw on the incoming President the responsibility of settlement. An attack was therefore begun at once, and an effort was made to prevent the printing of the report. The matter referred to the committee, it was said, was the correspondence relating to the demand for the liberation of McLeod. And what has it done? It has gone beyond the subject in hand, and presented a report on acts of the British Government, not one of which was referred to it; a report which makes no recommendation, nay, comes to no conclusion, unless it be that Great Britain is the greatest power on earth, and we the humblest, and which tenders Great Britain, unasked, an issue, she has a right to take up on the instant.

The Democrats stood by the report; denied that it was intended to excite hostile feeling in either country; insisted that it was most pacific in character, and that its purpose

was to present to the people the real questions at issue between Great Britain and the United States. The people along the frontier were greatly excited over the case of McLeod. They had been led to believe that the Government had neglected their interests, had dallied and trifled with their feelings, and was not disposed to avenge their wrongs. To correct this it was necessary to convince them that their rights would not suffer at the hands of the Government; prepare them for the issue which might arise; hold up to them the need of an enlightened system of national defense, not only with reference to Great Britain, but with reference to their position as a free and independent people in the family of nations.

Fillmore, Adams, and Everett wished to have the report recommitted, that the part relating to the power, character, and grasping ambition of Great Britain might be left out, and called on the House not to put itself in the wrong by any hasty act of its own. But the House, by a large majority, ordered the report to be printed, and so the matter stood when Van Buren's term ended and Harrison's began. The session of the court before which McLeod was to be tried was to open on the fourth Monday in March. If the new administration was to act, it must act quickly, and that it should have no excuse for not acting the British minister addressed a note on the subject to Webster.

He was instructed to "make known to the Government of the United States that her Majesty's Government entirely approved his cause" and "the language adopted by him in his official correspondence," and he was "again to demand" formally, in the name of the British Government, "the immediate release of Mr. Alexander McLeod." This demand was made because the attack on the *Caroline* was an act of a public character, planned and executed by persons duly empowered by her Majesty's colonial authorities; because it was a justifiable use of force for the defense of British territory against an unprovoked attack of "British rebels and American pirates"; because it would be contrary to the practice of civilized nations to hold individuals responsible for acts done with the sanction and by the order of the consti-

tuted authorities of a State; because her Majesty's Government could not "admit for a moment" the doctrine that the Federal Government had no power to interfere, and that the decision must rest with the State of New York. The relations of foreign powers were with the Federal Government, and when redress was demanded for a wrong done by a State it was to the Federal Government that it must look for redress. To admit that the Federal Government had no control over a State would lead to a dissolution of the Union so far as foreign powers were concerned, and to the accrediting of foreign diplomatic agents, not to the Federal Government, but to each separate State, and would make their relations of peace and war with each State depend upon the results of their separate intercourse with such State.

In view of all this her Majesty's Government "formally demanded" the immediate release of McLeod; entreated "the Government of the United States to take into consideration the serious nature of the consequences which must ensue from a rejection of this demand," and not to overlook the fact that McLeod's innocence of all part and lot in the destruction of the *Caroline* must greatly inflame the national resentment which any harm done to him by the State of New York would surely excite throughout the whole British Empire.*

Since the time of Copenhagen Jackson no Secretary of State had received from a British minister so insolent a note. The repeated use of the word "demand," the description of the men on the *Caroline* as "American pirates," the essay on the Federal Constitution, the statement of what foreign powers would do if wrongs done by States were not redressed on demand, and the veiled threat of serious consequences "which must ensue from a rejection of this demand" combined to give the note a character most offensive.

Webster, however, received it, and aware that the trial of McLeod would come on in ten days, instructed the Attor-

* Fox to Webster, March 12, 1841.

ney-General to hasten to Lockport, see that McLeod had skillful and eminent counsel, supply them with any evidence he had material to the defense, and state that if the defense were overruled by the Court it was the wish of the President that steps be taken to remove the cause by writ of error to the Supreme Court of the United States.

Crittenden was to stop on his way North and visit Governor Seward, to whom a letter containing a very plain hint of the wishes of the President was at once dispatched. The President had learned through a friend, Webster wrote, that when Seward was informed that the British Government had declared that the attack on the *Caroline* was an act done by its authority, he had expressed a disposition to direct a *nolle prosequi* in the McLeod case. This was quite proper, was calculated to relieve the Government from embarrassment, and the country from the danger of collision with a foreign power, and the President thanked the Governor for his promptitude. Seward replied that he had never thought of directing a *nolle prosequi*, but told Crittenden that McLeod should be pardoned if found guilty; that there should be no execution, no war, and complained in private of his treatment by the administration which left him in ignorance of its policy.

Crittenden, in company with General Scott, set off at once for Lockport; but had gone no further than Albany when he heard that the trial of McLeod was postponed. The clerk of the Court had given but five, instead of six, days' notice of the drawing of the jury for the term. The judge therefore ordered the clerk not to call the jury; but McLeod was arraigned, pleaded not guilty, and on motion of his counsel a writ of *certiorari* was allowed to enable him to move the Supreme Court to change the venue to some other county.

The postponement of the trial caused Webster great annoyance, for every mail from Europe brought news of an alarming kind. Cass wrote, from Paris, that Great Britain was in earnest; that her minister was instructed to leave Washington if McLeod were hanged; that the British Mediterranean fleet was to assemble quietly at Gibraltar and sail

thence to Halifax; and that the English colony in Paris was eager for war.

A French journal was quite as sure that the Americans were bent on war, and assured its readers that not a party, but the entire country, was determined to put down the pretension of Great Britain. The real question with the Americans was not whether McLeod should or should not be hanged, or their territory enlarged a few leagues; what they demanded was that England should be driven forever from Canada, and the new world set free from the patronage of Europe. If, said another, there should be a war between these two nations, it will not be a war of principles, but of ambition, the most odious spectacle that can be offered by man, and it will fall upon both, like a judgment of Heaven, for their insolence and arrogant pride. We hope, said a third, that the United States will be firm and resolute to the end. It will not be the first time they have lowered British pride, which has always increased in insolence with the humility of its adversaries.

England, said an Irish journal, may declare war, but who will fight for England? Ireland? What! A war against America is a war against friends. No, we cannot war against America; our hearts forbid it; our hands would be powerless. The London *Examiner*, after repeating the history of the *Caroline* and of McLeod, asked, Of whom have we a right to complain? First and foremost of McNab, who had been ordered not to do anything of which America could complain, and then burned the *Caroline*. Next of Lord Palmerston, who allowed the American remonstrance to remain for three years unanswered. As to the Americans, they had done just what Englishmen would have done under like circumstances. Had a band of French refugees and English ruffians landed on the French coast; had they employed an English steamer to carry over men and arms from Dover; had a French force entered the harbor of Dover in the night and scuttled the ship, would we not have remonstrated? And if the remonstrance had gone unheeded and a person boasting that he had taken part in the expedition came to Dover, or any part of Kent, would he not be arrested?

But we have no fear that McLeod will be executed. If found guilty he will probably be requited till the political issue is settled.*

When the report to the House of Representatives reached London a member of the House of Commons declared that if it were true that McLeod had been indicted, and that the legislature of Maine had authorized the Governor to drive the British troops from Madawaska, and had placed money in his hands for that purpose, these acts amounted to nothing less than a declaration of war; and urged that fleets be stationed off the harbors of the United States, and a strong army on the frontier. Sir Robert Peel was for peace. War once entered on, it would become a struggle to decide which was the stronger, and nothing but exhaustion could end it. He hoped there would be found, in public opinion, a power sufficient to quiet those turbulent and uneasy spirits that would involve the country in such a war.

The British journals, however, were eager for war, and declared that part of the squadron on the coast of Spain had been suddenly ordered to America to support the protest against "the judicial murder of McLeod," and that three battalions of infantry had been put under orders at Halifax.

So high did popular feeling run in Great Britain that our minister urged the commander of our squadron to leave the Mediterranean, lest, in the event of a sudden declaration of war, he should be surprised and forced to surrender.

While popular excitement was thus running high on both sides of the water, Webster answered the note from Fox. Her Majesty's Government must be aware, he said, that in the United States, as in England, persons held under a judicial process could be released from confinement only by judicial process. In neither country could the arm of executive power intervene directly or forcibly to release a prisoner. The avowal that the destruction of the *Caroline* was a public act of constituted authorities gave the case a "decided aspect." The Government of the United States did not doubt that after this avowal individuals concerned

* London Examiner, The Globe, April 12, 1841.

in the act ought not to be held personally responsible in the ordinary tribunals of law for participation in it. Neither did the President look on the destruction of the *Caroline* as a justifiable use of force, to repel an attack of "American pirates" who had been "permitted" to arm in the United States. He could not believe that her Majesty's Government, by the use of these terms, meant to imply that acts violating the laws of the United States and disturbing the peace of the British territories were done under countenance of the United States. If citizens of the United States fitted out an expedition to act against Canada, they were clearly violating the laws of their own country, but they were not pirates, nor could such a designation of them hasten the accommodation of national difficulties.

Responsibility for the destruction of the *Caroline* having been assumed, it remained for her Majesty's Government to show upon what rules of international law the destruction of the steamboat was to be defended. It would be for that Government to show a necessity of self-defense, instant, overwhelming, leaving no choice of means or a moment for reflection, that daylight could not be waited for, that there could be no discrimination between the guilty and the innocent, that it would not have been sufficient to seize the vessel, that there was a necessity, pressing and inevitable, for attacking her in the darkness of the night, while moored to the shore, while unarmed men were asleep on board, and for drawing her into the current, setting her on fire, and careless as to whether there were on board the innocent with the guilty, the living with the dead, for committing her to a fate which filled the imagination with horror.

The Government of the United States did not wish to disturb the peace of the world. But it could not admit that it had not both the will and the power to preserve its own neutrality, and enforce the observance of its own laws on its own citizens. It was jealous of its rights, and among others, of the absolute immunity of its territory against aggression from abroad, and these rights it was the determination of the Government fully, and at all times, to maintain.*

* Webster to Fox, April 24, 1841.

Language of this sort read well, but the letter contained the statement that the indictment having been removed into the Supreme Court of New York it was "competent for McLeod, by the ordinary process of *habeas corpus*, to bring his case for hearing before that tribunal." The hint was taken, a writ was sued out, and the first intimation Seward had of the fact was when the prisoner passed through Albany on his way to New York City, where the Court was to sit.

The leading counsel for the prisoner was Joshua S. Spencer, United States District Attorney for the Northern District of New York. The Attorney-General of New York and the District Attorney of Niagara County were in charge of the case for the people. As Seward pointed out, in a letter to the President, this gave to the case an appearance of conflict between the Federal Government and the State. Tyler replied that Spencer was acting for McLeod without orders. Seward answered that the conflict between the two authorities remained the same whether the District Attorney was acting officially or not. Tyler answered that to require Spencer to retire would be a hardship to the defendant.

The disagreement thus begun was embittered when Spencer, in the course of his argument, declared that the exercise of any power of the State over the prisoner was repugnant to the United States. Again Seward protested and complained that the retainer of the District Attorney was practically the British Government.

After hearing argument the Court reserved decision till the July term, held at Utica, and then decided that the Court had jurisdiction, that McLeod could not be discharged, that the expedition was murder and arson in time of peace, and remanded the prisoner for trial according to the ordinary forms of law. The venue was changed from Niagara to Oneida County.*

* The proceedings are reported in People *vs.* McLeod in 25 Wend, 596. The opinion of Judge Cowan was reviewed in Review of the Opinion of Judge Cowan of the Supreme Court of the State of New York in the case of Alexander McLeod by Judge Tallmadge, 1841. Also in 26 Wend, 603 Appendix. See also Grenville Memoirs, Second Series, vol. i, March 12, 1841.

When news of the decision of the Supreme Court reached the border excitement rose to fever heat. "Great Britain," said a Canadian journal, "cannot in honor put up with such a decision, and will not allow Mr. McLeod to be tried for an act which his Government has assumed. The time has now come when there can be no more dallying about the matter. If our neighbors will persist in their assumptions, let them take the consequences. If war must come, let it come at once, for it is certain that unless we settle our disputes now, we will only put off the evil day to a time when we may not be so well prepared to deal with our willful and headstrong neighbor." *

On the American side the Hunters' lodges were all activity, and information of their plans having reached Tyler, orders were dispatched to officers at Buffalo, Cleveland, and Detroit to be vigilant, and an agent was sent by Webster to find out the secrets of the Hunters.

From the British minister came assurance that an attempt would be made by the Hunters to assassinate McLeod lest he should be set free by the Court. The State arsenals, he said, had been forced, guns and artillery had been taken, and seven pieces were secreted in a canal boat. Ammunition had been sent from New York to Utica, men were to come to Whitestown hidden in canal boats, and when all was ready the jail was to be surrounded, a demand made for McLeod, and, if refused, an entrance would be forced with artillery and the prisoner seized and lynched.†

Webster at once sent word to Governor Seward, who went to Whitestown and reported that no arsenal had been forced; that instead of seven fieldpieces the patriots had but three, two stolen from the State and one from private parties; that it was true that some men with arms had been seen lurking around Whitestown, but he did not think it possible that such a plot as Fox described could be carried into effect in Oneida County.

Nevertheless, a guard of thirty men was stationed about

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* Montreal Courier, The Globe, July 23, 1841.

† Seward to Webster, September 23, 1841.

the jail, a volunteer artillery company of one hundred men was enlisted, armed and equipped, and the military officers of the county were ordered to be ready to call out any force necessary to secure the safety of McLeod.

That a movement of some sort for the purpose of disturbing the peace was on foot Seward was ready to believe. The two armed ships building at Chippewa to cruise on the lakes had greatly exasperated the people, and it was, he believed, to attack these vessels, rather than to bombard the jail, that the cannon were stolen from the State.

In this he was not mistaken, for a few days before he wrote, the vessels *Minos* and *Toronto*, while moored between Navy Island and the land, were shot at one night by patriots who brought a cannon to Navy Island. About the same time a second attempt was made to blow up one of the locks of the Welland Canal.* Tyler thereupon issued a proclamation denouncing the acts of the secret lodges, clubs, and associations, warning the members of the punishment sure to overtake them, declaring that the laws of the United States would be enforced, and calling on "all well-meaning but deluded persons" to abandon the lodges, and have nothing more to do with their secret meetings.†

The deluded persons whom Tyler addressed were far from disposed to obey the call, for the border was again aflame over another outrage which had just been committed. One Sunday night in September an armed band of Canadians crossed the line, entered the village of Alburgh in Vermont, seized James Grogan and carried him, bound and gagged, to Canada. Grogan was an American citizen, but was living in Canada in 1837, and had borne a part in the rebellion, and was seized as a hostage for McLeod.

The excitement and anger caused by this new invasion had not subsided when the trial of McLeod came on at Utica. The town was full of witnesses, lawyers, reporters for the newspapers, and the crowd attracted by the importance of the trial. Yet quiet and good order prevailed, no demonstra-

* Buffalo Advertiser, September 18, 1841.

† Globe, September 25, 1841.

tion of any sort was made for or against the prisoner, nor was any harm done him when, at the end of the trial, the jury returned a verdict of not guilty.*

Domestic issues, meantime, had all but wrecked the Whigs. The state of the country, on the day Tyler assumed office, was in many respects far from satisfactory. The campaign promises of the Whigs that the election of Harrison would be followed by high wages, good times, a sound currency, financial prosperity, "two dollars a day and roast beef," were not being fulfilled. Acting under pressure, sometimes of the community and sometimes of the States, the banks that had suspended specie payments, in 1839, began to resume payment early in 1841. The Bank of the United States, and all others in Philadelphia, did so on January fifteenth.† Those of Maryland and Virginia selected February first.‡ But scarcely had they begun to pay out specie when the Bank of the United States, unable to stand the strain, again suspended;# all others in Philadelphia, save two, immediately followed;△ those in New Jersey, Delaware, Maryland, and Richmond, suspended when their Directors heard what had happened in Philadelphia, and the state of the currency was worse than before.

The expense and annoyances to which travelers were subjected, by the want of a uniform circulating medium, are well illustrated by the adventures of a merchant who went from Baltimore to Tennessee and returned. He set out with Virginia money, which passed fairly well till he reached Ohio, when, after paying for his breakfast, the landlord gave in change a quantity of small notes of local banks and individuals. With some Kentucky notes he traversed that State, and with Tennessee money reached his destination; but on returning to Kentucky was glad to dispose of the notes of the State Bank of Tennessee at eighty-eight dollars Kentucky

* See a full report in Gould's Stenographic Reporter, vol. ii, 1841. Also The Log Cabin, October 9, 16, 1841. The international issues are reviewed in Wharton's Digest of the International Law of the United States, §§ 21, 50, 350.

† As required by resolution of the Legislature, April 3, 1840.

‡ Globe, January 25, 30, 1841.

Globe, February 6, 1841.

△ Globe, February 6, 1841.

money for one hundred Tennessee. At Maysville he attempted to procure Virginia money and failed; at Wheeling a fifty-dollar Kentucky note was exchanged for Northwestern Bank of Virginia bills, which paid his way to Fredericktown, Maryland, where neither Kentucky nor Wheeling money was current. The landlord, however, as a great favor accepted a five-dollar Wheeling note and gave in change a Pennsylvania banknote, a Baltimore and Ohio Railroad bill, and some good-intent shinplasters. Passing on to Harper's Ferry he found that Wheeling money was in worse repute there than in Fredericktown. By placing ten dollars of it in the hands of an agent, as a deposit to be redeemed later, he was enabled to reach Winchester, where, after two days' delay, he succeeded in "getting shaved," or, in other words, sold his Kentucky money at twelve per cent and Wheeling at ten per cent discount.

Suspension made the banks liable to heavy penalty under the laws of the States. But Pennsylvania repealed her law subjecting the offending banks to the forfeiture of their charters,* Maryland repealed hers imposing a fine of twelve per cent on notes in circulation,† and Virginia suspended till January first, 1842, the laws subjecting her banks to ten per cent damages and fifteen per cent penalty.‡ In Pennsylvania the Governor vetoed the repealing bill; but the legislature passed it over his veto.# Ohio and Illinois^ likewise removed all penalty for suspension, and to prevent as far as possible the collection of debts by suits, Michigan and Illinois enacted stay laws forbidding real or personal property to be sold under foreclosure, execution, or process of any Court unless it brought two-thirds of its value as appraised by three freemen.

Mississippi was bankrupt and on the verge of repudiation. That State, in 1838, chartered the Mississippi Union Bank and authorized the Governor to issue State bonds to the amount of fifteen and a half millions, and deliver them, from time to time, to the directors. In June, 1838, five

* Globe, April 10, 1841.
† Niles's Register.
‡ Niles's Register, April 24, 1841.
# Globe, March 30, 1841.
^ Globe, April 10, 1841.

millions of these bonds, dated February fifth, 1838, and bearing interest from that day, were delivered according to law, and sold nominally to Nicholas Biddle, but really to the Bank of the United States, for five million dollars payable in five installments covering a period of ten months. But the second installment had scarcely been paid when the Governor, in his annual message, attacked the validity of the sale.* It was illegal because in the first place the bonds were purchased by the Bank of the United States, and were being paid for out of the funds of that bank, which, by its charter, was forbidden to deal in State securities. It was illegal, in the second place, because the bonds had been sold for less than par, an act expressly prohibited by the charter of the Union Bank.† A joint committee of the two Houses declared that the sale was highly advantageous to the State and the bank, was strictly in accordance with the law, and brought timely aid to an embarrassed community.‡ No real relief, however, was afforded. The expenses of the State far exceeded its income, the treasury was bankrupt, the tax collectors in many counties defaulted, and the people were overwhelmed with debt. More relief was demanded, and two acts, seemingly beneficent, were placed on the statute book. One abolished imprisonment for debt, unless the creditor could prove the fraudulent mind and intention of the debtor; that he had fraudulently contracted the debt; that he was removing his property with intent to defraud; that he had fraudulently concealed his assets; that he was about to turn his property into money for the purpose of putting it beyond the reach of his creditor, all of

* January 8, 1839. Senate Journal, p. 20.

† The bonds bore interest from the date of issue in June, 1838, and were sold in August for their face value on credit. Their par value, the Governor held, was face value and accrued interest, and as the Union Bank had paid the interest, "it is certain that they were sold for less than their par value. The bank has heretofore paid interest on the sum of five millions for the use of one million, and will have to pay interest on more money than it has received until the first of July next" (1839).

‡ Report of the joint select committee to examine the affairs of the Union Bank. Senate Journal, p. 134. Session, 1839.

which was most difficult to prove. The second law provided for "the protection and preservation of the rights and property of married women," and by exempting the property of women owned before marriage from liability to seizure for the husband's debts, it afforded a convenient cover for gross fraud.

Even these measures were not sufficient, and in 1840 the Governor complained that great distress still existed; that an immense mass of property had been sacrificed, and many citizens forced to abandon the State; that sheriffs had resigned just before the opening of courts, or had neglected to summon juries for the purpose of preventing the term being held; that the assessors of fifteen counties had failed to return assessment rolls; that thirty-three collectors were in default for taxes due prior to 1838, and twenty-six for taxes assessed in 1838.

The relief measures of this session consisted of an act requiring the banks to redeem their various bills on certain dates, under penalty of forfeiture of their charters, and a stay law forbidding the sale of property levied on by a sheriff, unless it brought two-thirds of its value as appraised by three men, and by requiring the execution to be returned to the next term of Court, and forbidding another to issue for twelve months, made it possible to prevent the collection of a judgment for two years.

None of these expedients could bring money into the State treasury, and before the legislature of 1840 closed its session there was no money to pay the members, and the Committee on Ways and Means recommended them "to return to their homes and await the ability of the State to meet their claims." The legislature refused to provide, by taxation, for the payment of two installments due on the Planters' Bank stock; the Governor issued a proclamation warning banks and capitalists not to loan money on the hypothecation by the Union Bank of its five millions of State bonds; the public printer refused to print the State documents unless good money was provided; a newspaper was forced to suspend because the typesetters would not take Mississippi bank paper, and some two thousand suits by

nonresident creditors were begun in the United States Court.

The State election resulted in the choice of a Whig legislature; but the Governor remained, and when the Legislature met in 1841, he urged the repudiation of the bonds issued to the Union Bank, because they had been sold on credit, and for less than their par value, and because the Bank of the United States which bought them was forbidden by its charters to purchase State stocks. The Senate thereupon resolved that the character of the State depended on the inviolability of its engagements, that it did "repudiate the recommendation contained in the message of the Executive, not to pay the bonds of the State"; that it recognized the obligation of the State to pay the bonds sold to Mr. Biddle, and would, if necessary, provide for the payment of interest and principal as they became due, and in all this the House concurred. The House on its part resolved that the State "is bound to pay both interest and principal"; that the State "will pay her bonds"; and that the insinuation that she "would repudiate" is "a calumny upon the justice, honor, dignity of the State." These in turn were adopted by the Senate, but neither were printed in the published acts of the legislature, for the Governor returned those of the House without his signature, and what became of those of the Senate the record does not show.

When the State election came on in 1841 repudiation became a party issue. The Democratic convention was so nearly equally divided on the question that the State ticket was about half one way and half the other. The candidate for Secretary of State was in favor of paying; another candidate therefore took the field and openly declared for repudiation. The Whig convention declared it to be the sense of the party that Mississippi was bound to pay her bonds sold for the benefit of the Union Bank, and to pay for her stock in the Planters' Bank.* The anti-bondmen elected their entire ticket, save the Secretary of State, and a large majority of both branches of the legislature. Had not the

* Log Cabin, March 13, 1841.

Whigs promised to oppose any bill to tax the people to pay either principal or interest on the bonds they could not have elected a member of the legislature.*

From Mississippi repudiation spread to Illinois, where some discontented men in Bond County met and resolved that the people could not pay the State debt, should they make the attempt, that to assume it would bankrupt their children, and that, having disposed of its internal improvements as best it could, the State should divide the proceeds among the bondholders and so end a bad business.†

In every State which had gone recklessly into internal improvements the financial situation was alarming. No works were finished; little or no income was derived from them; interest on the bonds increased day by day and no means of paying it save by taxation remained. To this the people were bitterly adverse, for they were already so deep in debt that nothing but stay laws and a national bankruptcy act and the abolition of imprisonment for debt could give them any relief.

In Georgia the pressure for money was so severe that the Governor urged the legislature to relieve the distress of the people by authorizing him to borrow two million dollars on the credit of the State, and deposit the money with the suspended Central Bank, to be divided among the counties, and loaned to individuals, who should be required to repay one-fifth yearly. The Whig legislature refused to authorize the loan, whereupon the Democrats made the loan a party issue, flooded the State with handbills, and in the autumn carried the State elections.

In the States where members of Congress were to be elected the Democratic press had no doubts as to what Congress would do, and assured the voters that a national debt would be created; a national bank established; the public domain given away; and an indirect tax of some sort laid. The States in which, when the extra session was called, no members of the House of Representatives had been elected

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* Letter of Governor McNutt. Niles's Register, December 11, 1841, p. 228.

† Log Cabin, March 20, 1841.

were eleven in number. In Mississippi and Illinois the Governors refused to assemble the legislatures to provide for the election. Mississippi, therefore, was not represented in the House at the called session, and the members from Illinois did not appear till after the middle of August.*

On the appointed day the members of both Houses met and proceeded to organize. The House found no difficulty in electing a Speaker, but spent sixteen days in a struggle over its rules. Led on by Adams, the anti-Slavery men and the friends to the right of petition, after a short contest, secured the adoption of the rules of the last House with the odious twenty-first rule stricken out.† But the contest was at once renewed by a motion to reconsider the vote by which the House had decided to omit the twenty-first rule, and when this failed ‡ a motion was carried to reconsider the vote by which the rules of the last House were adopted, and after a session of more than two weeks, the House was back where it had been on the day it assembled, and was without rules of any sort. A compromise was then effected: a general agreement was reached that the question of receiving Abolition petitions should go over to the regular session, and the rules of the last House were adopted, the twenty-first included; but no business was to be considered save such as was called for by the President's message.#

The message announced that the country was face to face with a heavy deficit; that to supply the needs of the Government the people would undoubtedly consent to all necessary burdens; but that the compromise Act of 1833 should not be altered. There should be "a fiscal agent capable of" facilitating the collection and disbursement of the public revenues, and of keeping them safely, and able to give the country a uniform circulating medium. The debts of the States should not be assumed; the proceeds of the sales of public lands should be distributed; but the question of a repeal of the sub-treasury law Tyler committed "to you who have come more directly from the body of our common constituents."

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* Globe, May 19, 1841.
† Congressional Globe, June 7, 1841.
‡ Ibid., June 8, 1841.
# Ibid., June 15, 1841.

In the Senate, in whose proceedings public interest had centered, Clay took the lead, and, after the manner of a dictator, laid down the order of procedure for the session. He secured the passage of an instruction to the Committee on Finance to inquire into the expediency of repealing the sub-treasury law,* and, as chairman, promptly reported a bill to repeal.† At the suggestion of a Senator that the business of the session should be confined within proper limits, Clay next introduced a resolution setting forth that it was the sense of the Senate that no business should be transacted save such as had led to the call of the session, and that such business comprised the repeal of the sub-treasury; the incorporation of a bank; provision for an adequate revenue by the imposition of new duties; distribution of the proceeds of public-land sales; the passage of appropriation bills, and a modification of the banking system of the District of Columbia.‡ He moved that the Secretary of the Treasury be instructed to report a plan for such a bank or fiscal agent as, being free from constitutional objection, would produce the happiest results and confer lasting benefits on the country.

The programme having thus been announced the Whigs proceeded with all possible speed to carry it into execution. After a debate of two days the bill repealing the sub-treasury act was passed without amendment.# The Secretary of the Treasury promptly submitted a bill for a Fiscal Bank. The Select Committee reported it with a few changes; the Senate passed it after a long debate; the House passed it about a week later without any change, and in a few hours it was in the hands of the President.

It provided for a Fiscal Bank, with thirty millions of capital, to be located in Washington, with power to establish branches independent of the assent of the States. The parent Bank was to make no loans or discounts save to the United States; dividends were to be limited to seven per cent; debts due the Bank were not to exceed the capital and

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* Congressional Globe, June 3, 1841.

† Ibid., June 4, 1841.

‡ Ibid., June 7, 1841, p. 22.

Ibid., June 9, 1841, p. 36.

seventy-five per cent thereon; debts contracted over and above deposits were never to exceed twenty-five millions, and the branches were to stop loaning and discounting when the notes of the Bank in circulation amounted to three times the specie in its vaults.

That the bill would never be signed by Tyler was confidently asserted while it was still before the House. How, it was asked, can he do anything else, for of all public men Tyler has been the most consistent in his opposition to a Bank. Very little surprise, therefore, but great indignation was felt when the bill came back to the Senate with the President's veto. He objected because Congress did not possess power to charter a national bank; because it was not necessary for the collection, safe-keeping, and disbursement of the public revenue that the Government should create a bank of discount; and because it authorized the opening of branches in the States, not only without but against their consent. If a State consented, the Directors were fully empowered to open a branch in that State. But if a State did not, at the first session of its legislature after the passage of the bill, by resolution or otherwise, unconditionally assent or dissent to the establishment of a branch or branches, the assent of such State should be "presumed."

In the opinion of Tyler this was most unfair; for many conditions might arise to prevent the State dissenting. Suppose both branches dissented and the Governor vetoed the act; suppose that the House dissented by a unanimous vote, and that the Senate defeated the resolution by a tie vote, was it fair, in the face of such conditions, to regard its assent as implied, and force a branch of the Bank upon the people? Could it be believed that any State would sit quietly down under such a state of things? What was such a bill but an assertion of the right of Congress to incorporate a bank, with power to open offices of discount and deposit in the States with or without their consent; and such a principle he could never sanction.

The reading of the veto message was followed by an outburst of applause and hisses from the people in the gallery over the President's chair, and by an excited demand

from Benton for the arrest of "the bank ruffian who had dared to insult the American President in the American Senate." This was done, and Benton having thus been quieted the message was ordered to be printed, and the following day, at twelve o'clock, was fixed for its consideration.

From the Senate chamber the excitement spread to the streets and taverns, and late on the night after the veto was received a gang of rowdies, with fife and drums, gathered before the White House door, rang the bell, beat the drums, hissed and groaned, and ere they left, unhinged the gates and behaved so disgracefully that an attempt to have the matter investigated was made in the Senate. When the message reached New York the stars and stripes were displayed from the hickory pole in front of Tammany Hall and at all the ward headquarters, and a national salute was fired from the Hill. The Democratic press, the country over, united in a chorus of praise of Tyler. He had saved the country from the baneful effects of another United States Bank; he deserved the thanks of the Democratic party for the bold and manly way in which he had done his duty; it was the proudest act of his political life; nobly, most nobly, had he borne himself; all honor to him for his firmness, consistency, stern patriotism, and conscientious devotion to the Constitution.* At Albany † the Democrats held a great mass meeting with banners, transparencies, torches, and music, listened to the reading of the veto message, and resolved that the members of the Cabinet who had advised the President to sign the Bank bill, and by so doing violate the Constitution and commit a crime, ought to resign at once in order that their places might be filled by men worthy of the public confidence.

After two postponements in the Senate the idle form of attempting to pass the bill over the veto was gone through with by the Whigs. The attempt was idle, because a two-thirds majority could not be had by the Whigs, and because on the very day the veto was received Berwin and Sergeant,

* Pennsylvania Keystone, Albany Argus, Charleston Mercury, Trenton Emporium, New York New Era, Boston Morning Post.

† Albany Argus. The Globe, August 25, 1841.

representing the Whigs in both Houses, visited Tyler to find out just what sort of a Bank bill he would approve. The task of framing such a bill was assigned to Webster, Ewing, Berwin, and Sergeant, and by this committee of four a new bill was drawn, was seen by Tyler and, with the understanding that he approved was given to Sergeant to introduce into the House.* Meantime the House passed the bankruptcy bill sent down from the Senate, and in turn the President signed it.

Sergeant began by moving the Committee of the Whole to take up House Bill No. 14, which had been reported early in the session, and bore the title "An act to incorporate the subscribers to the Fiscal Bank of the United States." He wished to strike out all after the enacting clause and to insert the bill just prepared by the Cabinet. The basis of the new was the old bill; but some changes had been introduced. Fiscal Bank had become Fiscal Corporation; the old capital of thirty millions had been reduced to twenty-one millions; offices of discount and deposit had become agencies, and the corporation was to make no discounts, but confine its dealings to buying and selling foreign bills of exchange, and bills drawn in one State and payable in another. The question was asked if the consent of a State was necessary to the establishment of an agency within its limits. But the question was roared down by cries of "order, order, order"; and as quickly as the rules would allow the amendments were ordered printed.

The next day, which was Saturday, the committee resolved that at four o'clock on Monday all debate should cease, and the vote be taken on the amendments. The Democrats, who to a man had lately voted to continue the gag rule against the Abolitionists, now bitterly resented the application of a gag to themselves, and denounced it as a violation of the right of freedom of speech, and of the right of debate, and as destructive of the character of the House as a deliberative body. Their protests, however, were in

* Ewing's letter of resignation. Niles's Register, September 18, 1841. The Globe, September 13, 1841.

vain; the amendments were adopted and the bill was passed. Sergeant, amid roars of laughter, then moved to amend the title of the bill so that it should read "An act to provide for the better collection, safe-keeping, and disbursement of the public revenue, by means of a corporation to be styled the Fiscal Corporation of the United States." The amendment was made and the next day the bill reached the Senate, where in time it was reported by a committee and quickly passed.

That a veto would follow was fully expected; indeed, was predicted; and while waiting for it the Senate passed the bill to distribute the sales of public lands and provide for preemption. As it came from the House the bill provided that from and after the last day of December, 1841, there should be paid, semiannually, to Ohio, Indiana, Illinois, Alabama, Mississippi, Louisiana, Arkansas, Missouri, and Michigan, ten per cent of the net proceeds of sales of the public land made within the limits of each of them. After deducting this all proceeds of sales of public land made anywhere were to be distributed among the twenty-six States and the District of Columbia, on the basis of Federal representation. The States were free to use their share as they pleased; but in the District the money was to be expended on free schools and education.

Each of the nine States named was also to receive five hundred thousand acres, or as much as when added to previous grants should make that quantity, and might sell it for not less than a dollar and a quarter an acre. Money so derived was to be used for roads, bridges, canals, and the improvement of water courses and the drainage of swamps; and over such roads, canals, and bridges the mails, troops, and munitions of war of the United States were to pass toll free.

The House had provided that in case of war the distribution of the land sales was to be suspended. To this the Senate added the provision that if at any time the duty of twenty per cent *ad valorum* on imported goods, as fixed by the Compromise Tariff of 1833, was increased on any of them, distribution should be suspended till the old rate was

restored. The price was a heavy one for the Whigs to pay; but they yielded, and the House accepted the amendment.

As the loan bill, to borrow twelve million dollars at five per cent interest, had passed in July, none of Clay's great measures of reform remained to be acted on when, on the ninth of September, Tyler returned the Fiscal Corporation bill with his veto.

While waiting for the veto the less radical element of the party had argued that if the new veto message recognized the right and duty of the Federal Government to remedy the disorders of the currency; if it acknowledged the patriotic efforts of Congress to find a remedy, and regretted the inability of the President to concur in the particular measure of relief; if the President asked for a postponement of the question to the winter session that he might bring forward some plan of his own; if, in short, the message, though cursed with Locofocoism, showed that the President was Whig at heart, the proper thing to do was to wait. If, on the other hand, the temper of the new veto should be like that of the last, affirming nothing, proposing nothing, promising nothing; if Tyler should deny the constitutional right of the Government to exert a regulating influence on the currency and exchange, and assert the Jacksonian doctrine of executive power, then he was no Whig and should not be so regarded. Then the Cabinet, to a man, should resign.

Others declared that the Secretaries were determined to resign if a veto came, whatever its tone; that Judge Upshur, Caleb Cushing, and Walter Forward would have places in the Cabinet about to be formed, and that Webster would remain; and in this they were correct, for on September ninth the veto reached the House, and on September eleventh the Secretary of the Treasury, the Attorney-General, the Secretary of War, and the Secretary of the Navy resigned, and at a meeting of the Whig members of Congress a committee was appointed to address the people.

Webster remained, he informed the public, because he saw no reason for the dissolution of the Cabinet by the voluntary act of its members, and because if he had seen reasons for resigning he should not have done so without giving

the President fair notice and affording him time to find a successor. Tyler, however, needed no such notice. He was quite ready for the emergency, and on the morning of the thirteenth, the last day of the session, sent to the Senate the names of Walter Forward to be Secretary of the Treasury; John McLean to be Secretary of War; Abel P. Upshur to be Secretary of the Navy; Charles A. Wickliffe to be Postmaster-General, and Hugh A. Legare, to be Attorney-General.

The letter of Crittenden was brief and to the point. He resigned because of the veto. The letter of Ewing was long, and after fully stating the history of the preparation of the two bills, charged the President with what amounted to treachery. That the first veto rested on conscientious grounds the Secretary freely admitted. "But how is it," said he, "with respect to the second? The bill was framed and fashioned according to your own suggestions; I and another member of the Cabinet were made your agents and negotiators. Nevertheless, your veto message attacks in an especial manner the very provisions inserted at your request. Even the name of the corporation, which was agreed to by you and changed to meet your express wishes, is made a subject of your criticism." The cause of this sudden veering from friendliness to hostility toward the bill was ascribed by Ewing to a letter addressed to "Coffeehouse, Richmond," and franked and signed by John M. Botts, one of the Virginia delegation in the House. It was dated August sixteenth; announced that the veto of the Fiscal Bank would be sent in on that day; accused the President of turning and twisting and changing his ground so often that it was difficult to conjecture on which of the absurdities of the bill he would rest his veto; and declared "Our Captain Tyler is making desperate efforts to set himself up with the Locofocos, but he'll be headed yet, and I regret to say it will end badly for him."

The letter was soon printed in the Richmond *Whig* and was copied by the Democratic press, which at once declared the purpose of the Whigs was "to head Captain Tyler." From the moment Tyler read the famous Coffeehouse letter,

he determined, Ewing declared, to veto the Fiscal Corporation bill.

The address of the Whig Congressman recited what had been done at the session just closed; what had not been done, and the reasons for the failure; accused Tyler of having wrested from the Whigs "one of the best fruits of a long and painful struggle," and read him out of the party. By the veto of two successive bank charters, by the withdrawal of his confidence from his real friends in Congress and the Cabinet, by his bestowal of it on others notorious in their opposition to Whig measures, he had voluntarily separated himself from those by whose exertions and suffrages he was elected and was no more worthy to be called a Whig.

News of the second veto was received by the Democrats with wild delight. At Philadelphia and Boston it was welcomed with the discharge of one hundred guns; at Harrisburg and at a meeting of the people in Caroline County, Virginia, and in a score of other places resolutions were passed thanking Captain Tyler for his independent and patriotic conduct, and for the defeat of the specious devices of the enemy to "head him." Caricaturists represented the explosion of the Cabinet by the veto, the destruction of the Log Cabin by the veto, and the flight of the Badger and the "broken Bell," and the press found endless cause for rejoicing over the humiliation of Clay and the threatened dissolution of the Whig party.

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